

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13559

□ 1400

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I ask unanimous consent that S. 2405 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I wish to again say thanks to the distinguished chairman of the committee, the ranking minority member and the ranking minority member of the subcommittee and all of my colleagues on the Environment and Public Works Committee and my colleagues in the Senate who made it possible that we brought this very important piece of legislation to final passage.

I would also be remiss if I did not say thanks to Jean Lauver and Nadine Hamilton, of the majority staff, along with the good leadership of Bailey Guard, our staff director, and equally strong support for the minority staff, Mike Weiss and Paulette Hansen, and Lee Fuller, the minority staff director.

I appreciate the work of all the staff and certainly my own member of my own staff, Taylor Boulden, who without his help and support this would have been a very difficult task for this Senator to accomplish.

Mr. President, I now move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1410

Mr. STAFFORD. Mr. President, I think the Senate has just passed a very good highway bill for the sake of this Nation and our traveling public.

I particularly wanted to express my personal appreciation, as chairman of the parent committee, to the managers of the bill—they have done yeoman service—and to the staff that have helped them. I will not name the staff individually, but I join in Senator Symms' words of appreciation to the members of the staff who worked so hard to help us get this bill passed.

Again, I say, Senator Symms has done an outstanding job as the manager for the majority and, as always, Senator Burdick has, as manager for the minority. It has always been a great pleasure for me to work with Senator Bentsen, the ranking member of the committee who has been not

only my partner but friend over a great many years.

I yield the floor.

Mr. BURDICK. Mr. President, I, too, would like to thank the staff who gave yeoman work in this effort.

I want to say to the majority that we have worked together very harmoniously and, as a result of those efforts, I think we have got a very good piece of legislation.

Mr. DOLE. Mr. President, I thank the leaders on both sides in the handling of the highway bill. I believe the 90-to-0 vote indicates the strong support for that measure. I certainly wish to thank Senator Burdick from North Dakota, Senator Bentsen from Texas, Senator Stafford from Vermont, and particularly Senator Symms, the subcommittee chairman, because without his tenacity and ability, without his leadership, the Senate could not have completed action on the highway authorization bill in such an expedited fashion.

The Federal Aid Highway Act of 1986 is important to every part of our country, but no place is it more important than in largely rural States like Kansas, and I might say Idaho, North Dakota, parts of Texas, and what we consider the Far West. The Interstate Highway System is the lifeline for hundreds of thousands of Americans. Senator Symms' role in advocating a modest increase in the speed limit to 65 miles per hour on these roads was pivotal, and I know that countless Americans will thank him for his success in amending the bill to include this change.

It is not without controversy. Senator Hacht had a different idea which would have expanded the increase from 55 to 65 miles an hour on primary and secondary roads. That was defeated, but the Symms amendment dealt with rural interstates and if this provision holds in the conference it will permit an increase of 10 miles per hour.

I believe that the Senate will prevail, at least in part, in increasing the speed limit but in all the other important parts I believe the Senate will prevail more often than not.

Again, I thank all of my colleagues for their cooperation on this very important bill and in particular thank Senator Symms for his leadership.

## INTELLIGENCE AUTHORIZATION ACT

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 804, S. 2477, the Intelligence authorization bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2477) to authorize appropriations for fiscal year 1987 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment:

On page 3, line 7, after "Senate," insert "as amended by the classified appendix of the Committee on Armed Services of the Senate."

So as to make the bill read:

S. 2477

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1987".*

## TITLE I—INTELLIGENCE ACTIVITIES

## AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1987 for the conduct of the intelligence activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.

## CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1987, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate, as amended by the classified appendix of the Committee on Armed Services of the Senate. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and the House of Representatives, and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

## PERSONNEL CEILING ADJUSTMENTS

Sec. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1987 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

## TITLE II—INTELLIGENCE COMMUNITY STAFF

## AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1987 the sum of \$22,338,000.

S 13560

## CONGRESSIONAL RECORD — SENATE

September 24, 1987

## AUTHORIZATION OF PERSONNEL END STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-nine full-time personnel as of September 30, 1987. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1987, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence activities.

(c) During fiscal year 1987, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

## INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Sec. 203. During fiscal year 1987, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

## TITLE III—CENTRAL INTELLIGENCE AGENCY

RETIREMENT AND DISABILITY SYSTEM  
AUTHORIZATION OF APPROPRIATIONS

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1987 the sum of \$125,800,000.

## TITLE IV—ADMINISTRATIVE PROVISIONS RELATED TO INTELLIGENCE AGENCIES

## CLASSIFIED RECORD DESTRUCTION SCHEDULES

Sec. 401. Section 3303a of title 44, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The requirement in subsection (a) of this section that the Archivist provide notice in the Federal Register of the list and schedule of records proposed for disposal shall not apply to lists or schedules of the Central Intelligence Agency or the National Security Agency that are properly classified pursuant to Executive Order 12356, or its successor order."

EMPLOYMENT OF CIVILIAN PERSONNEL IN THE  
DEFENSE INTELLIGENCE AGENCY

Sec. 402. Paragraph 1604(e)(1) of chapter 83 of title 10, United States Code, is amended by striking out "1985 and 1986" and inserting in lieu thereof "1987 and 1988".

CLARIFICATION OF DEFENSE MAPPING AGENCY  
AUTHORITIES

Sec. 403. (a) Chapter 167 of title 10, United States Code, is amended by adding at the end thereof the following:

"§ 2795. Exchange of mapping, charting, and geodesy data with foreign nations.

"The Secretary of Defense may, subject to the requirements of section 112b of title 1, United States Code, and the regulations promulgated thereunder (22 CFR part 181), and under such additional regulations as are deemed appropriate, authorize the Defense Mapping Agency to exchange or furnish mapping, charting, and geodetic data, supplies or services to a foreign country or

international organization pursuant to an agreement for the production or exchange of such data."

(b) The table of contents of chapter 167 of title 10, United States Code, is amended by adding at the end thereof:

"2795. Exchange of mapping, charting, and geodesy data with foreign nations."

MEDICAL EVACUATION OF DIA CIVILIAN  
EMPLOYEES STATIONED OVERSEAS

Sec. 404. Subsection 1605(a) of chapter 83 of title 10, United States Code, is amended by inserting "(5)" after "paragraphs (2), (3), (4)" and after "22 U.S.C. 4082 (2), (3), (4)".

PROCEEDS FROM DEFENSE DEPARTMENT  
COUNTERINTELLIGENCE OPERATIONS

Sec. 405. (a) The Secretary of Defense may authorize, without regard to the provisions of section 3302 of title 31, United States Code, use of proceeds from counterintelligence operations conducted by components of the Military Departments to offset necessary and reasonable expenses, not otherwise prohibited by law, incurred in such operations, if use of appropriated funds to meet such expenses would not be practicable.

(b) As soon as the net proceeds from particular counterintelligence operations are no longer necessary for the conduct of those or similar operations, such proceeds shall be deposited into the Treasury as miscellaneous receipts.

(c) The Secretary of Defense shall establish policies and procedures to govern acquisition, use, management and disposition of proceeds from counterintelligence operations conducted by components of the Military Departments, including effective internal systems of accounting and administrative controls.

SURVIVOR BENEFITS FOR CERTAIN FORMER  
SPOUSES OF CENTRAL INTELLIGENCE AGENCY  
EMPLOYEES

Sec. 406. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following new section:

"SURVIVOR BENEFITS FOR CERTAIN OTHER  
FORMER SPOUSES

"Sec. 224. (a)(1) Any individual who was a former spouse of a participant or former participant on November 15, 1982, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 per centum of the greater of—

"(A) the full amount of the participant's or former participant's annuity, as computed under section 221(a); or

"(B) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum portion of contributions made with respect to such annuity.

"(2) A survivor annuity payable under this section shall be reduced by an amount equal to the amount of retirement benefits, not including benefits under title II of the Social Security Act, received by the former spouse which are attributable to previous employment of such former spouse by the United States.

"(b) A former spouse shall not be entitled to a survivor annuity under this section if—

"(1) an election has been made with respect to such former spouse under section 223;

"(2) the former spouse remarries before age fifty-five; or

"(3) the former spouse is less than fifty years of age.

"(c)(1) The entitlement of a former spouse to a survivor annuity under this section—

"(A) shall commence—

"(i) in the case of a former spouse of participant or former participant who is deceased as of the effective date of this section, beginning on the later of—

"(I) the sixtieth day after such date; or

"(II) the date such former spouse reaches age fifty; and

"(ii) in the case of any other former spouse, beginning on the latest date of—

"(I) the date that the participant or former participant to whom the former spouse was married dies;

"(II) the sixtieth day after the effective date of this section; or

"(III) the date such former spouse reaches age fifty; and

"(B) shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age fifty.

"(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, within thirty months after the effective date of this section.

"(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

"(d) The Director shall—

"(1) issue such regulations as may be necessary to carry out this section; and

"(2) to the extent practicable inform each individual who was a former spouse of a participant or former participant on November 15, 1982, of any rights which such individual may have under this section."

(b) Section 14(a) of the Central Intelligence Agency Act of 1949 (59 U.S.C. 403n(a)) is amended by inserting "224," after "222, 223."

(c) For fiscal year 1987, not to exceed \$500,000 shall be available from amounts appropriated under the authority of section 101(1) of this Act for survivor annuities under section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employment and under the amendment made by subsection (b) of this section.

(d) The amendments made by this section shall take effect on October 1, 1986.

HEALTH BENEFITS FOR CERTAIN FORMER  
SPOUSES OF CENTRAL INTELLIGENCE AGENCY  
EMPLOYEES

Sec. 407. (a) The Central Intelligence Agency Act of 1949 is amended by adding at the end thereof a new section, as follows:

"HEALTH BENEFITS FOR CERTAIN FORMER  
SPOUSES OF CENTRAL INTELLIGENCE AGENCY  
EMPLOYEES

"Sec. 16. (a) Except as provided in subsection (c)(1), any individual—

"(1) formerly married to an employee or former employee of the Agency whose marriage was dissolved by divorce or annulment before May 7, 1985;

"(2) who, at any time during the eighteen-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

"(3) who was married to such employee for not less than ten years during periods of service by such employee with the Agency, at least five years of which were spent out-

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13561

side the United States by both the employee and the former spouse.

is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

"(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the six-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulations prescribe, such individual—

"(A) files an election for such enrollment; and

"(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

"(2) The Director of Central Intelligence shall take all steps practicable—

"(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

"(B) to notify each such former spouse of that individual's rights under this section.

"(3) The Director of the Office of Personnel Management, upon notification by the Director of Central Intelligence, shall waive the six-month limitation set forth in paragraph (1) in any case in which the Director of Central Intelligence determines that the circumstances so warrant.

"(c)(1) Any former spouse who remarries before age fifty-five is not eligible to make an election under subsection (b)(1).

"(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age fifty-five shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

"(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

"(e) For purposes of this section the term 'health benefits plan' means an approved health benefits plan under chapter 89 of title 5, United States Code."

(b) The amendment made by this section shall take effect on October 1, 1986.

#### PHYSICAL SECURITY OF NATIONAL SECURITY AGENCY FACILITIES

Sec. 408. The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by deleting section 11 and inserting in lieu thereof the following new section:

"Sec. 11. (a) The Director of the National Security Agency may authorize National Security Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within

Agency installations, and the rules and regulations enforced by such personnel shall be the rules and regulations promulgated by the Director.

"(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (49 U.S.C. 318c).

"(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers."

#### TITLE V—ENHANCED FEDERAL BUREAU OF INVESTIGATION COUNTERINTELLIGENCE CAPABILITIES

##### ACCESS TO FINANCIAL RECORDS OF AGENTS OF FOREIGN POWERS

Sec. 501. Section 1114(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) Financial institutions, and officers, employees, and agents thereof, shall comply with a request for a customer's or entity's financial records made pursuant to this subsection by the Federal Bureau of Investigation when the Director of the Federal Bureau of Investigation (or the Director's designee) certifies in writing to the financial institution that such records are sought for foreign counterintelligence purposes and that there are specific and articulable facts giving reason to believe that the customer or entity whose records are sought is or may be a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(B) The Federal Bureau of Investigation may disseminate information obtained pursuant to this paragraph only as provided in guidelines approved by the Attorney General for foreign intelligence collection and foreign counterintelligence investigations conducted by the Federal Bureau of Investigation, and, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

"(C) On a semiannual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph.

"(D) No financial institutions, or officer, employee, or agent of such institution, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to a customer's or entity's financial records under this paragraph."

##### ACCESS TO STATE AND LOCAL CRIMINAL RECORDS

Sec. 502. (a) Section 9101 of title 5, United States Code, is amended:

(1) in paragraph (1) of subsection (b) by striking out "or" after "Office of Personnel Management" and by inserting ", or the Federal Bureau of Investigation" after "the Central Intelligence Agency;"

(2) in subparagraph (3)(A) of subsection (b) by striking out "or" after "Office of Personnel Management" and by inserting ", or the Federal Bureau of Investigation" after "the Central Intelligence Agency;"

(3) in subparagraph (3)(B) of subsection (b) by striking out "or" after "Office of Personnel Management" and by inserting ", or the Federal Bureau of Investigation" after "the Central Intelligence Agency;" and

(4) in subsection (c) by striking out "or" after "Office of Personnel Management" and by inserting ", or the Federal Bureau of Investigation" after "the Central Intelligence Agency."

(b) Section 803(a) of title 8 of the Intelligence Authorization Act for fiscal year 1986 is amended by striking out "and" after "the Office of Personnel Management" and by inserting ", and the Federal Bureau of Investigation" after "the Central Intelligence Agency."

(c) The amendments made by this section shall become effective with respect to any inquiry which begins after the date of enactment of this Act conducted by the Federal Bureau of Investigation for purposes specified in paragraph (b)(1) of section 9101 of title 5, United States Code.

##### ACCESS TO TELEPHONE TOLL RECORDS

Sec. 503. (a) Chapter 33 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 538. Access to telephone toll records

"(a) A communication common carrier shall comply with a request for telephone subscriber information or toll billing record information by the Federal Bureau of Investigation when the Director of the Federal Bureau of Investigation (or the Director's designee) certifies in writing to the communications common carrier that such information is sought for foreign counterintelligence purposes and that there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is or may be a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(b) The Federal Bureau of Investigation may disseminate information obtained pursuant to this section only as provided in guidelines approved by the Attorney General for foreign intelligence collection and foreign counterintelligence investigations conducted by the Federal Bureau of Investigation, and, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

"(c) On a semiannual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this section.

"(d) No communications common carrier, or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to telephone subscriber information or toll billing record information under this section."

(b) The table of contents for chapter 33 of title 28, United States Code, is amended by adding at the end thereof the following:

"§ 538. Access to Telephone Toll Records"

#### TITLE VI—PROTECTION OF UNITED STATES INTERESTS

##### FOREIGN MISSIONS ACT AMENDMENT

Sec. 601. Section 202(a)(4) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4)) is amended to read as follows:

"(4) 'foreign mission' means any mission to or agency or entity in the United States which is involved in the diplomatic, consular, or other activities of, or which is substantially owned or effectively controlled by—

"(A) a foreign government, or

S 13562

## CONGRESSIONAL RECORD — SENATE

September 24, 1965

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States or which engages in some aspect of the conduct of the international affairs of such territory or political entity,

including any real property of such a mission and including the personnel of such a mission";

## SOVIET MISSION AT THE UNITED NATIONS

Sec. 602. (a)(1) It is the policy of the Congress that the number of nationals of the Soviet Union admitted to the United States to serve as members of the Soviet mission at the United Nations headquarters shall not substantially exceed the number of United States nationals who serve as members of the United States mission at the United Nations headquarters, unless the President determines that the admission to the United States of additional Soviet nationals to serve as members of the Soviet mission at the United Nations headquarters would be in the interest of the United States.

(2) Beginning six months after the date of enactment of this section, and every six months thereafter, the Secretary of State shall prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the number of Soviet nationals admitted during the preceding six-month period to the United States pursuant to a determination of the President under paragraph (1) and their duties with the Soviet mission at the United Nations headquarters.

(3) Nothing in this subsection may be construed as including any dependent or spouse who is not a member of a mission at the United Nations headquarters in the calculation of the number of members of a mission at the United Nations headquarters.

(b) It is the sense of the Congress that the Secretary of State and the Attorney General should, not later than six months after the date of enactment of this section, prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth a plan for ensuring that the number of Soviet nationals described in paragraph (a)(1) does not exceed the limitation described in that paragraph.

(c) For purposes of this section—

(1) the term "members of the Soviet mission" and "members of the United States mission" are used within the meaning of the term "members of the mission", as defined by article 1(b) of the Vienna Convention on Diplomatic Relations, done April 18, 1961; and

(2) the term "mission at the United Nations headquarters" of a country includes all the missions of such country to the United Nations in New York City and includes missions in New York City to specialized agencies of the United Nations, as defined in article 57 of the charter of the United Nations.

## REGISTRATION OF AGENTS OF CERTAIN FOREIGN GOVERNMENTS

Sec. 603. Section 951 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding paragraph (d)(4), any person engaged in a legal commercial

transaction shall be considered to be an agent of a foreign government for purposes of this section if—

"(1) such person agrees to operate within the United States subject to the direction or control of a foreign government or official; and

"(2) such person—

"(A) is an agent of the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Romania, or Cuba, unless the Attorney General, after consultation with the Secretary of State, determines and so reports to the Congress that the national security or foreign policy interests of the United States require that the provisions of this section do not apply in specific circumstances to agents of such country; or

"(B) has been convicted of, or has entered a plea of nolo contendere with respect to, any offense under section 792 through 799, 831, or 2381 of this title or under section 11 of the Export Administration Act of 1979, or is the employer of such person, except that the provisions of this section shall not apply to a person or employer described in this clause for a period of more than five years beginning on the date of the conviction or the date of entry of the plea of nolo contendere, as the case may be."

TITLE VII—GENERAL PROVISIONS  
AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN COMPENSATION AND BENEFITS  
AUTHORIZED BY LAW

Sec. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

## UNANIMOUS-CONSENT REQUEST

Mr. DURENBERGER. Mr. President, I ask unanimous consent that, as the Senate turns to the consideration of Calendar Order No. 804, S. 2477, the Intelligence Authorization Act, it be considered under the following time agreement: 1 hour on the bill, to be equally divided between the chairman of the Committee on Intelligence and the vice chairman or their designees, and that the following amendments be the only amendments in order and that no second-degree amendments be in order.

The committee-reported amendment from the Committee on Armed Services, limited to 15 minutes; an amendment to be offered by Senator HELMS related to the classified report of the Intelligence Committee on the bill, limited to 30 minutes; an amendment to be offered by Senator HELMS related to the request for report on human rights in Panama, limited to 1 hour; further, Mr. President, that there be 30 minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate; that no motions to recommit with instructions be in order, and that the agreement be in the usual form.

The PRESIDING OFFICER. There objection to the request?

Mr. BYRD. Mr. President, the request was not fully made.

Mr. DURENBERGER. I have a further request, Mr. President.

I further ask unanimous consent that once the bill has been advanced to third reading, the chairman of the Intelligence Committee, or his designee, be recognized to proceed to the immediate consideration of H.R. 475 the House companion bill, and strike its text and substitute the text of S. 2477, and that the Senate insist on its amendment to H.R. 4759, request conference with the House on the disagreeing votes of the two Houses on the bill, and that the Chair be authorized to appoint conferees on the part of the Senate, all without debate.

The PRESIDING OFFICER. Has the Senator completed stating the request?

Mr. DURENBERGER. I have. That is the complete unanimous-consent request.

The PRESIDING OFFICER. Is there an objection to the request?

Mr. LEAHY. Mr. President, reserving the right to object, it is my understanding, on the time agreement on the amendments by the distinguished Senator from North Carolina, that that time was divided.

Mr. DURENBERGER. Mr. President, it is agreeable with me that the time is divided. I understand that the agreement that we did have, particularly between the chairman and the vice chairman, I misstated in the second part. I will restate it as follows: An amendment to be offered by Senator HELMS related to the classified report of the Intelligence Committee on the bill, which would be limited to 1 hour, equally divided.

Mr. BYRD. Reserving the right to object, Mr. President, the words "in the usual form" are words of art which mean that the time will be equally divided.

I reserve the right to object further. There is no provision here for immediate passage without further debate, intervening motion, or point of order from the moment that the substitution of the text of S. 2477 is made, so I assume that to include such a provision.

Mr. DURENBERGER. Mr. President, I think the distinguished Democratic leader is correct. I would add to the proposal that I made for unanimous consent the language which he suggested relative to the consideration of the House bill.

Mr. BYRD. Mr. President, further reserving the right to object, is it to be established for the record that Mr. WARNER and Mr. HART will be conferees for matters within the jurisdiction of the Armed Services Committee?

Mr. DURENBERGER. Mr. President, I would say to my distinguished colleague, the Democratic leader, that at the appropriate time I will get the

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13563

appointment of all of the members of the Intelligence Committee, which is our usual approach, together with two members of the Armed Services Committee who are not members of the Intelligence Committee. Senators WARNER and HART.

□ 1420

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. I want to be sure that we are clear that, once the text of S. 2477 is inserted in lieu of the House text on H.R. 4759 the Senate then is to proceed to third reading immediately without further debate, without any intervening action and without further motion or point of order, and that once third reading is achieved, the same conditions will apply to passage of the bill, and that there be no motion to reconsider in order.

Mr. DURENBERGER. Mr. President, the Senator correctly states my understanding of the procedure which I would ask to be incorporated in the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HUMPHREY. Mr. President, reserving the right to object, I would ask the Senator if he would include in his request 30 minutes to be equally divided for the Senator from New Hampshire to have the opportunity to offer a resolution dealing with the situation concerning Mr. Danilooff. I might say we have been prepared to offer that on a couple of occasions since last Friday night. We are currently trying to negotiate the language with various parties.

I want to say from the point of view of this Senator that it is time to go, that we cannot wait forever to perfect the language to satisfy everybody. I am prepared to offer that resolution.

In any event, I do ask the Senator from Minnesota to include in his request the 30 minutes to be equally divided for that purpose.

Mr. DURENBERGER. Mr. President, I have no objection to including in my request the 30 minutes equally divided on the amendment to be proposed by the Senator from New Hampshire. I intend to oppose the amendment, though I do not know the entire text of the amendment. From our side, it would certainly be appropriate to include it on this bill if he so desired.

Mr. LEAHY. Reserving the right to object, I wish we could keep within the parameters we had agreed to earlier, informally agreed to. The Senator from New Hampshire, of course, is within his rights to offer further amendments. My concern is that this is a very sensitive matter. The Senate is proceeding on the Intelligence authorization bill which requires us to deal with extraordinarily sensitive matters. Adding in what would be, as I understand the description, advice to the President, or even a direction to the President, on how to handle the Danilooff case I, for one, wish could be

done as a freestanding matter and not to be on this bill.

I also feel that the President is doing a good job in handling the Danilooff case.

I will not object because the Senator from New Hampshire is within his rights. I would just urge Senators to understand that of all the pieces of legislation that comes before the Senate during the year, the Intelligence authorization bill is an extraordinarily different one and is usually handled in a far different manner because of the highly sensitive matters within it.

Mr. BYRD. Mr. President, reserving the right to object, if Mr. HUMPHREY insists on this approach, then we cannot agree to the rest of the agreement.

We go through a time-consuming process here of contacting all Members on our side by telephone, running the proposed agreement by them, to see if they consent to that agreement. Now, if there is going to be a change in that agreement, it necessitates our doing the same thing all over again.

I could very well support the amendment of the distinguished Senator from New Hampshire, but if he insists on the amendment I would have to object to the agreement.

Perhaps I would want to offer an amendment myself to stop the sale of subsidized grain to the Soviets. I am not sure that Senators want to get into that kind of discussion this afternoon.

So, it is either go with what we have already agreed to, or I will have to object and try to run the traps all over again.

The PRESIDING OFFICER. Did the Senator from Minnesota include in his request the right of the Senator from New Hampshire to offer an amendment?

Mr. DURENBERGER. I did. I indicated, Mr. President, that I have no objection to including in the unanimous-consent request, as I understood it, a 30-minute debate on an amendment to be offered by the Senator from New Hampshire related to the Danilooff matter.

Before the Chair entertains an objection, I might inquire of the Democratic leader if the problem here is one of time. That is, whether given an opportunity to run the normal cloakroom check of Democratic Members we might find no specific objection to this matter. Or is the concern of the Democratic leader deeper, that other amendments would be offered which would make it difficult for us to consider the bill?

Mr. BYRD. As I was saying, I do not think I could get consent to the overall agreement with that amendment. Other Senators may want to offer amendments, too. If we let this one in, I will want consent to offer my amendment. It might be best that we just not have an agreement and if the Senator

wants to offer his amendment, he may go ahead.

Mr. LEAHY. Reserving the right to object, I should note in support of what the distinguished Senator from West Virginia has said I have urged a number of Senators not to put amendments on this particular bill, again because of the unique nature of the intelligence authorization bill, including amendments that I might well cosponsor if they were put on a more appropriate vehicle. But this is so we can bring out a bill which is much needed by the intelligence agencies in our country, much needed at a time of increased terrorist activities and much needed for our counterterrorism.

I would again urge Senators on both sides of the aisle to see if it is possible to restrain themselves and put their amendments on some other bill.

As I say, on many of the amendments I might well join them. I wish that could be done.

Mr. DURENBERGER. Mr. President, I will repropose the unanimous-consent agreement. But first, let me say in response to my colleagues on the Democratic side of the aisle, we do not know what is contained in the Senator's proposed amendment, but if it does deal with the Danilooff matter it deals with subject matters that are covered in the Intelligence authorization bill.

If it deals with the issues of espionage, security, and counterintelligence, it obviously deals with some of the concerns that this committee usually has. So I do not think there is an irrelevance at all to the subject matter contained in this bill. It might well be very significant addition, as is one of the amendments to be proposed by the Senator from North Carolina.

Mr. President, I will ask unanimous consent that the time agreement as I have stated it, modified by the addition of the 30 minutes for the Senator from New Hampshire, be considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I would hope the distinguished manager would put the request as he originally put it, and I would hope it would not be objected to. This is a bill which is somewhat sui generis. It is not like most bills which come before the Senate. I would like to see the bill acted on without amendments other than those that were originally stated. If the Senator wants to object to that request he may do so and he may offer his amendment because there would then not be an agreement.

At least, the chairman has the chance to get an agreement here which will expedite floor consideration of this matter, which I understand the majority leader would like to dispose of. The majority leader has two or three other matters he would like to dispose of today. We have offered con-



S 13564

## CONGRESSIONAL RECORD — SENATE

September 24, 1987

sent to an agreement on this bill, which was a difficult agreement to work out. Consent agreements often take a lot of time. I have been sitting on the floor for 1 hour now waiting to achieve this agreement. Now, to come up with the same proposal that has been discussed before and has been objected to before—the Senator has the right to offer his amendment. He could have offered it to the highway bill. We shall have a continuing resolution coming along here that is going to be a lightning rod for any and every amendment one can think of. Also, the debt limit extension. The Senator can offer a freestanding resolution.

□ 1430

I hope there would not be an objection on this. The majority leader is on the floor and can speak for himself. He knows time is of the essence. He knows this measure is important. I think we have a good time agreement here that would see us complete action on this measure within, certainly, 3 hours at the most. I would think.

Mr. DOLE. Will the Senator from Minnesota yield?

Mr. DURENBERGER. I am happy to yield to the majority leader.

Mr. DOLE. Mr. President, I know the Senator from New Hampshire feels rather strongly about the resolution. It has been modified a couple of times. It is a rather weak resolution now, in my view; the teeth have been taken out of it. But it is better than nothing.

It seems to me a better thing to do would be to offer it as a freestanding resolution. I would be glad to try to clear that with the minority leader, try to get an agreement to do that. Otherwise, there are a couple of other bills that have been waiting around here for about a week to be brought up and we are in that period of time where anybody can offer anything. If the Senator from New Hampshire feels strongly about this, maybe we can toughen it up a little bit. Maybe we can offer it as a freestanding resolution.

But to put it on this measure—I think the Russians are already indicating that Daniloff is a CIA agent and if we put it on an intelligence bill, we sort of buttress that suspicion. It seems to me we have it on the wrong bill in any event.

Mr. DURENBERGER. Mr. President, that last part does concern me. Perhaps I should yield to my colleague from New Hampshire.

Mr. HUMPHREY. Mr. President, I thank my colleague from Minnesota. The difficulty is that time is of the essence. The difficulty is that we have rather few bills left. The difficulty is that there is all kinds of maneuvering relative to this resolution preventing us from offering it. The difficulty is that the Democratic side objected last Friday to offering it as a freestanding measure.

Everyone thinks we ought to do something about this resolution, but so far, no one is willing to do anything. That is why I am seeking to protect the right, frankly, in hope of instigating some action on this resolution, getting the language clarified and finalized and an opportunity agreed upon to offer it. That is why I am seeking to protect the right to offer it to this bill. I continue to insist upon that right.

Mr. DURENBERGER. Mr. President, given the statement by the majority leader and the suggestion that he will make an alternative available to the Senator from New Hampshire, I shall repropose my unanimous-consent request without the request included by the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I am pleased to present before the Senate the intelligence authorization for fiscal year 1987, as recommended by the Select Committee on Intelligence. While the specifics of the intelligence authorization must, for the most part, remain secret, we believe that the annual presentation of this bill to the Members is important. It shows to the Senate and to the American public that, even when dealing with the most secretive matters of national security, laws in the United States are reviewed by elected officials representing the interests of the American people.

The intelligence authorization, as you are aware, is the principal means for the Senate to express its concerns and its priorities for the U.S. intelligence community. Not only must the Senate approve every dollar that is spent in the name of intelligence; the intelligence authorization is also the occasion on which the Senate makes its recommendations for U.S. intelligence policy and the manner in which that policy will be carried out.

Mr. President, in presenting the fiscal year 1987 intelligence authorization, I would like to call the attention of my colleagues to two developments reflected in this year's bill.

First, I am pleased to point out that, for the first time, this year the Select Committee reviewed the budget requests of the Director of Central Intelligence in light of the DCI's national intelligence strategy. As the Members may recall, last year's intelligence conference report required Mr. Casey to submit with his budget request a national intelligence strategy. This document was to state the DCI's goals for national intelligence, the missions and priorities he had set out for the intelligence community, and his plans for carrying out these missions.

Bill Casey responded to the Select Committee's request. I am pleased to say, with distinction. Furthermore,

the expectations of the committee that the national intelligence strategy would strengthen oversight were borne out in the review of the fiscal year 1987 intelligence authorization bill. Not only did the committee examine over 3,000 pages of budget documentation in a line-by-line review of the National Foreign Intelligence Program, we also considered just how well this program would meet the intelligence needs of the United States. I believe that, as a result of the national intelligence strategy, the intelligence community and the Select Committee both have a better understanding of what we are buying for our intelligence dollar and why we are buying it.

This brings me to the second point I would like to call to the attention of the Members—the current state of U.S. intelligence and the crisis it faces today.

In the course of our review of the national intelligence strategy, it also became clear to the Select Committee just how tightly stretched the National Foreign Intelligence Program is in meeting the basic intelligence requirements of the United States. The committee is deeply concerned about the future health of U.S. intelligence. Many of our concerns stem from constraints now facing the defense budget, where, for reasons of security, intelligence programs are financed. Last year, largely because of constraints imposed on defense spending, fiscal year 1986 intelligence community investment actually declined in real terms. This was the first decline in 7 years. It forced cancellation of a number of important activities and the deferral and stretchout of many others.

This situation, combined with the tragic loss of the space shuttle *Challenger* and the consequences arising from the Titan 34D launch vehicle explosion in April 1986, has placed U.S. intelligence in its most serious crisis in decades. Mr. President, I cannot overstate the severity of the current situation. Having reviewed the DCI's national intelligence strategy, his fiscal year 1987 budget request, and the requirements levied by the defense and foreign policy community on intelligence program managers, the Members of the Select Committee are convinced that intelligence investment must be protected from arbitrary limits imposed on government spending in general and on defense spending in particular.

We on the Select Committee are fully aware that similar claims will be made about other Government programs in this age of fiscal constraint. Indeed, we have reached our conclusions with considerable hand-wringing. However, we would point out that the secrecy necessary for intelligence operations leaves the intelligence community with only one constituency that can speak out on its behalf to the Senate—namely, those of us on the In-

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13565

telligence Committee who must meet behind closed doors and have witnessed the dangers facing the National Foreign Intelligence Program.

In addition to the budgetary recommendations which are the primary function of this bill, there are also several significant legislative provisions. These are extensively discussed in the report on the bill submitted by the Intelligence Committee. I might mention at this point that the bill contains proposals on enhancing FBI access to financial and telephone records for counterintelligence purposes and FBI access to State and local law enforcement records for counterintelligence and security purposes; for legislatively mandating the reduction in the size of the Soviet mission to the United Nations and registering and limiting the activities of foreign commercial agents from countries engaged in intelligence activities against the United States; for providing benefits to former spouses of CIA officers who currently receive none; and for other purposes.

The classified supplement to the committee's report on the fiscal year 1987 intelligence authorization has been available for review by all Members of the Senate since early June of this year in accordance with the provisions of Senate Resolution 400. This classified supplement explains in detail the specific recommendations of the committee on all intelligence programs.

We believe, Mr. President, that the recommendations set forth by the Committee in the classified supplement represent the minimum that must be invested in intelligence to provide the intelligence capabilities necessary for U.S. national security. This judgment is objective; this judgment is bipartisan; and, most of all, it is strongly held. We urge the Members of this body to join us in supporting this bill.

Mr. LEAHY. Mr. President, this has certainly been a challenging year for everyone associated with our intelligence effort—the aftermath of the "Year of the Spy," the continued specter of international terrorism, the realization by all of us that there will be more terrorist attacks, this year and next year, and the disasters involving the space shuttle and the Titan launch vehicle. In addition, reports of serious progress in the arms talks underscore the intelligence community's need to improve its capabilities to monitor Soviet forces and verify an arms control agreement that might come out of Geneva or out of a summit.

The Select Committee on Intelligence views the annual budget authorization process as one of its principal oversight responsibilities because of the means this process provides in our effort to influence the long-term direction and scope of U.S. intelligence efforts.

This year, as we did last year, the committee conducted its intelligence

budget review at the full committee level, involving all members of the Intelligence Committee. In my opinion, the committee's review of the budget this year was the most comprehensive and effective that I have seen in the more than 7 years I have served on the committee. I am very gratified at the personal and bipartisan participation we had from the committee members in this sometimes arduous process, one where members were able to set aside labels of Democrat and Republican to work together in a bipartisan effort for the best intelligence this country could possibly have.

As Senator DURENBERGER has stated, we take very seriously our obligation to the other 85 Members of the Senate to review, dollar for dollar, every program that is proposed for U.S. intelligence. I should also note that we have been helped in no small way by our excellent and nonpartisan staff—Bernie McMahon, staff director; Eric Newsom, minority staff director; Dan Finn, chief counsel; Keith Hall, chief budget officer; and numerous others.

I am pleased with the committee's continuing oversight in the area of combatting terrorism. This is something I have felt strongly about for several years. As the recent hijacking in Karachi and the attack at the synagogue in Turkey graphically show, terrorist activity throughout the world continues to threaten the safety of innocent persons as well as peace and stability worldwide. I and others on the committee have frequently stressed the need for more and better intelligence to combat terrorism. This bill continues the committee's efforts to strengthen the intelligence community's counterterrorism programs.

Another area in which I believe the committee has made a significant contribution is counterintelligence. The Intelligence Committee is in the process of completing a comprehensive report to the Senate on the state of U.S. counterintelligence and security programs. That report is nearly ready and should be available within a matter of days, if not weeks. In addition, the fiscal year 1987 authorization bill calls for substantial new resources for communications and personnel security initiatives, which I wholeheartedly support.

Mr. President, I take I hope a pardonable pride in the committee's incorporation of S. 1773, a bill Senator COHEN and I offered last year to apply the principle of numerical equivalence to the sizes of the United States and Soviet missions to the United Nations. It, together with a companion measure enacted into law in 1985, the Leahy-Cohen diplomatic equivalence and reciprocity amendment, provides strong tools to the President and in fact the entire executive branch in controlling and reducing the Soviet espionage presence in the United States operating under diplomatic cover.

Let me take one moment to compliment my friend from Maine for his

hard work and leadership in our efforts to combat the hostile intelligence presence in this country. I want also to thank Jim Dykstra, from the committee staff, for his valuable contributions.

Mr. President, I mention both the Leahy-Cohen bill that passed in 1985 and its newer version included in this bill for a specific reason. Secretary Shultz has recently been implementing a policy to limit the size of the Soviet diplomatic mission at the United Nations which mirrors the approach Senator COHEN and I have proposed. He has done it in my mind for all the right reasons. He has not only brought a great deal of pressure to bear on the Daniloff matter, but he has also demonstrated that the United States is concerned about the number of Soviets in that mission, which is much larger than they need to perform their normal diplomatic duties. According to the FBI as many as 35 percent or more of the Soviet diplomats are active KGB agents. By reducing the size of the Soviet mission to the United Nations, we have succeeded in bringing pressure on the Soviets in the Daniloff matter.

I am one Democratic Senator who says: Do not tie the hands of President Ronald Reagan in this case. In my estimation, the President has been doing everything right in the Daniloff case. He has taken a very, very tough attitude toward the Soviet Union. He has taken the extraordinary measure of sending a letter stating that Mr. Daniloff is not a spy. He has made his anger and concern very clear. He has authorized Secretary Shultz to follow the basic principles which Senator COHEN and I have proposed in kicking out Soviet diplomats. All that brings pressure on the Soviet Union.

At the same time, President Reagan has also realized that we have a preeminent responsibility to enhance the security of our own country by pursuing meaningful arms negotiations. As a result he has instructed his Ambassadors to continue that effort in Geneva. The arms negotiations go on.

Earlier this week at the United Nations, the President of the United States gave a strong statement of his own commitment to nuclear arms control. So I say that we should not be here trying to second-guess the President of the United States. We should give him the tools with which to work.

We will provide him even more tools in this bill. But this is such a delicate area. With arms control negotiations coming under the cloud of the Daniloff matter, the President of the United States should be given the tools and the confidence to go forward. I, for one, am confident of the direction President Reagan has taken, and I support it.

The select committee has also taken the lead in assuring that the intelligence community will be able to address future requirements for arms

S 13566

## CONGRESSIONAL RECORD — SENATE

September 24, 1986

control monitoring and that these are given a high priority in the development of future intelligence capabilities. I mention that because the Senate has a unique responsibility in arms control matters. We are the only 100 people in the country to vote on a treaty. A major issue will be whether it is verifiable.

In these times of large deficits and budget reductions, it is even more critical that we provide support for intelligence to meet arms control as well as other essential requirements affecting our national security. Intelligence is the eyes and ears of our overall national defense program. As we cutback in general defense programs, it would be shortsighted and dangerous to reduce funding for intelligence programs.

In my opinion, some of the most dedicated, most capable, most qualified, and most hardworking people in our Government are within our intelligence community, whether they work for the CIA, the DIA, the FBI, or others. We must give them the support they require. I believe it is vital to the first line of our security.

Mr. President, we have not recommended authorization of one dollar more than we believe is absolutely necessary to fulfill the intelligence requirements to cope with the growing threat facing this Nation. Our review was extensive and complete. It has also been bipartisan, continuing our committee tradition.

In conclusion, Mr. President, I once again compliment the work of the chairman and the other members of the Intelligence Committee on the important piece of legislation before us today. This bill will continue to provide the resources that are sorely needed to keep our national intelligence capabilities up with international developments that could threaten U.S. interests. It also will provide additional authority to respond to the proliferation of espionage activities within our country.

Mr. President, as vice chairman of the Intelligence Committee, I fully endorse this bill and recommend its passage.

Mr. DURENBURGER. Mr. President, I thank my colleagues from New Hampshire, not only for—

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. DURENBURGER. I yield for the obvious—

Mr. LEAHY. New Hampshire is a slightly smaller State geographically. They have more people. They need more people—no. I should not say that. New Hampshire is a wonderful State. It is slightly smaller, however.

Mr. DURENBURGER. I trust that this is not the first time you have had to correct someone on that.

Mr. President, I do compliment my colleague, who this year had to make a choice as to where he was going to play a leadership role, between the Agriculture Committee and the Intelli-

gence Committee, and I am grateful that he chose the Intelligence Committee to do that.

I think we have made a lot more progress over the last 2 years than the time that we each have allotted to describing the authorization bill before us. I appreciate very much all the effort he has put in on that, as well as the minority staff. We do not call them minority staff. They are all part of the committee staff. Eric Newsom is the minority staff director, and he has been around for quite some time and has always been a very valuable addition to all the difficult efforts we have had to undertake during the course of these 2 years.

Mr. President, I understand that the pending amendment is the committee amendment of the Armed Services Committee on sequential referral of the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURENBURGER. Mr. President, the amendment by the Armed Services Committee makes a change in a classified item relating to a military construction project. It adds funds for the purpose of providing full funding for this project, which was only partially funded in the bill reported by the Intelligence Committee. The Intelligence Committee welcomes this amendment, which is reflected in the text of S. 2477, as reported, on sequential referral by the Armed Services Committee on August 7.

I request that the Senate approve the amendment of the Armed Services Committee.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the committee amendment of the Armed Services Committee.

The amendment was agreed to.

Mr. DURENBURGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBURGER. Mr. President, this probably is an appropriate time for us to consider the first of what I understand will be two amendments this afternoon to the bill, to be offered by the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2896

Mr. HELMS. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2896:

On page 4 of the bill, after line 2, add the following new section:

"Sec. 104. The classified report of the Select Committee on Intelligence which accompanies this Act is hereby amended to include the material contained in the classified supplement to the aforesaid report which was prepared on September 24, 1986. The classified supplement incorporates additional directions to the Intelligence Community on the following subjects: Competitive analyses of key intelligence topics; survivability of national technical means of intelligence collection; availability of the report of the President's 1980 Transition Team study of intelligence; training on combating Marxism-Leninism; integration of military, political and economic aspects of national estimates on the Soviet Union; integrated national estimate on the Soviet Union; assessment of the effects of Soviet data denial;

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 4 of the bill, after line 2, add the following new section:

"Sec. 104. The classified report of the Select Committee on Intelligence which accompanies this Act is hereby amended to include the material contained in the classified supplement to the aforesaid report which was prepared on September 24, 1986. The classified supplement incorporates additional directions to the Intelligence Community on the following subjects: Competitive analyses of key intelligence topics; survivability of national technical means of intelligence collection; availability of the report of the President's 1980 Transition Team study of intelligence; training on combating Marxism-Leninism; integration of military, political and economic aspects of national estimates on the Soviet Union; integrated national estimate on the Soviet Union; assessment of the effects of Soviet data denial; Foreign Broadcast Information Service analyses; reconnaissance capability; protection of polygraph information; role of the Defense Intelligence Agency; and intelligence policy regarding Panama."

Mr. HELMS. Mr. President, I allowed the clerk to read part of the amendment in order to give an indication of its nature. It is a very important amendment.

Let me say at the outset that the distinguished chairman and vice chairman, Mr. DURENBURGER and Mr. LEAHY, have worked very hard to produce a bill which contains significant reforms of the intelligence process. However, the intelligence process is an extremely important component of our foreign policy decisions. In my work as ranking majority member of the Foreign Relations Committee, I have frequently run into situations which suggested an inadequacy in the intelligence analyses our policymakers have been getting.

I have had a number of discussions with the distinguished chairman of the select committee about these problems, and I have been gratified by his response to my suggestions. I have worked with him, Senator LEAHY, and other distinguished members of the select committee to produce some



September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13567

points to supplement the diligent work of the committee. This is in no way intended as a criticism of the work of the select committee, but merely to present an added perspective from a foreign policy point of view.

My first amendment amends the classified report of the select committee to provide some additional directions to the intelligence community on a number of topics, particularly with regard to intelligence about the Soviet Union. I will only single out for comment here a requirement for intensified competitive analysis. That may be a vague term to many because of the classified nature of the intelligence apparatus, but let me say for the record that it is enormously important.

□ 1500

Mr. President, competitive analysis has been demonstrated by the 1975 A team-B team exercise to be beneficial to better intelligence of our national security. Contending points of view and varying schools of analysis and interpretation are inevitable in the art form—I suppose one would call it—called intelligence. The classified supplement goes into more detail, but I have been assured by the distinguished chairman that the following list of intelligence problems will be studied under appropriate competitive analysis procedures:

1. Soviet geopolitical and strategic intentions, including the functions of the Soviet Five Year Defense Plan and the long range Fifteen Year Plan;
2. Soviet investigation of the feasibility of detecting submerged submarines through the analysis of data on the surface of the ocean;
3. The role of surprise and deception as principles of Soviet military doctrine;
4. Soviet perceptions of American military, political, economic, and psychological vulnerabilities;
5. The accuracy of Soviet missiles;
6. The existence of hidden Soviet missiles for reload, refire, and covert soft launch, in strategic reserves;
7. The reasons for the continuing underestimation by CIA of Soviet strategic forces, in light of the recent statement in the White House Report to Congress on SALT II of June 16, 1986, that: "On the basis of the history of U.S. Intelligence underestimation, it is unlikely that the numbers of Soviet strategic missiles, bombers, and warheads five years from now will be identical (or necessarily even close) to these (NIE) force projections";
8. The role of Soviet Bloc intelligence services in the international drug trade;
9. Better methodologies for estimating Soviet defense spending;
10. The effects of Soviet negotiating and operational deception in arms control;
11. Better methods for processing, debriefing, retaining, and resettling defectors and emigres;
12. Means of overcoming, deterring, and hardening against Soviet data denial through Soviet radio-electronic warfare;
13. The role of disinformation and forgeries in Soviet foreign policy; and the extent of Soviet Active Measures, disinformation and forgeries inside the United States;
14. Countermeasures to deter Soviet jamming of U.S. National Technical Means of reconnaissance;

15. The extent of the Soviet lead over the U.S. in deploying a nationwide, land-based ABM defense, and in developing a space-based ABM defense, including identification of U.S. intelligence gaps on the Soviet SDI program;

16. Soviet civil defense capabilities;

17. Soviet knowledge of U.S. National Technical Means of intelligence collection, and deceptive actions which the USSR might have taken on the basis of that knowledge;

18. The possibility of Soviet Bloc sabotage being among the human errors causing the Space Shuttle Challenger and other recent U.S. strategic space mission explosions;

19. The Soviet Biological and Chemical Warfare threat, and potential U.S. countermeasures;

20. Implications for U.S. national security of Soviet military supremacy;

21. Better means for protecting U.S. Intelligence Sources and Methods and classified information, including reforming the classification system, so as to prevent such cases as the unlawful publication of details of the "Chalet" project by The New York Times in June, 1979;

22. Better methodologies for estimating yields of Soviet underground nuclear weapons tests, which utilize all the evidence available;

23. Possible limitations in U.S. area search and spot search reconnaissance capability, and the possibility of a U.S. search and spot National Technical Means of intelligence collection crisis due to the long-term stand-down in the U.S. Space Shuttle and other strategic space launch programs;

24. The possibility that the CIA and the State Department have been penetrated by the KGB at various levels;

25. The contents of the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba, and the evidence supporting the charges of President Reagan, the DCI, the Chairman of the JCS, and the Under Secretary of Defense for Policy that Soviet Mig-27 fighter-bombers, TU-95 Bear bombers, strategic submarines, and the Soviet Combat Brigade in Cuba violate the Kennedy-Khrushchev Agreement;

26. The ability of U.S. National Technical Means of intelligence collection to monitor Soviet compliance with the 1967 Outer Space Treaty prohibiting nuclear weapons in space, and with an Anti-Satellite Treaty;

27. The history of Soviet violations of the Biological and Chemical Weapons Conventions, and whether the CIA blocked the creation of an Interagency Group to study these violations when first detected in 1976 and 1977;

28. The military implications of Soviet SALT and other arms control violations, and the reasons why the CIA resisted evidence and analysis showing Soviet SALT violations for 12 years;

29. Complete analysis of the Popov, Penkovsky, Golitsyn, Nosenko, and Pacepa cases, including their contribution to Intelligence Community analyses and Counter-Intelligence;

30. Long-term Soviet violations of the 1947 Rio Treaty, through their massive arms shipments to Cuba and to Nicaragua;

31. Allegations of drug trafficking, money laundering, arms trafficking, human rights violations, political assassination, and intelligence exchange and collaboration with Castro and Ortega by military leaders of Panama;

32. Reasons for reported CIA long term underestimation of Soviet submarine capabilities.

Mr. President, this amendment, as I indicated earlier, has been worked out

through the cooperation of a number of people, including the distinguished chairman of the committee and vice chairman and their very capable and competent staff.

I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, as my colleague has indicated we have put some effort in the last week or so against the concerns of the Senator from North Carolina.

Let me begin my brief comments in reaction to his amendment by indicating that I appreciate his comments on the intelligence bill itself. Like him the members of the Select Committee on Intelligence are dedicated to improving the quality of intelligence available to the U.S. Government.

I have consulted with the members of the Intelligence Committee and can say that the committee has no objection to inclusion in its classified report on the bill the material of interest to the Senator from North Carolina.

The amendment which the Senator has offered to the bill reflects certain changes in the nature of a supplement, which would be incorporated into the committee's classified report on intelligence programs. Material in the supplement relates to the subjects listed in the amendment and it is available to be read by any Member of the Senate who so wishes.

Mr. President, in view of the agreement of the committee for the inclusion of supplementary material in its classified report, members of the committee will not object to a motion by the Senator from North Carolina that his amendment be adopted. However, prior to proceeding with that motion, I would like to engage in two colloquies with the Senator on the subjects of CIA analysts and on the subject of counter intelligence.

After hearing of the Senator's concerns in these areas it appeared for a variety of reasons more desirable to discuss them here than to include them in the classified report on the bill.

With respect to the issue of how CIA analysts use their time on basic research as proposed by the Senator or on current reporting and policy support tasks such as briefing, I felt that a discussion on the floor would be sufficient to alert the Director of Central Intelligence to the Senate's interest on this issue.

I think we have agreed on a colloquy. If the Senator wants to proceed he certainly may do so.

Mr. HELMS. Very well.

Mr. President, I thank the distinguished chairman. I do have some questions which I wish to direct to the distinguished chairman concerning the kind of responsibilities that the CIA analyst must assume today.

S 13568

## CONGRESSIONAL RECORD — SENATE

September 24, 19

□ 1510

As the distinguished occupant of the chair knows, a lot of us have been concerned for a great while about whether the CIA analysts have the opportunity to carry out the mission they were hired to do, and that is to conduct basic analysis. According to some reports I have received, CIA analysts are increasingly required to attend interagency meetings and coordination sessions, all of which cuts into the basic intelligence research and analysis the Agency is able to accumulate. My concern is that, without a base of research, the people we expect to be our experts on the Soviet Union and the rest of the world will lack the opportunity to develop the knowledge we expect of them.

So, with that preface, I would ask my good friend from Minnesota, Senator DURENBERGER, are these reports true, and what is the burden of irrelevant administrative duties that is being imposed on CIA analysts?

Mr. DURENBERGER. I fully appreciate my colleague's concerns. This is one reason why the select committee has initiated an in-depth study of personnel policies within the Intelligence Community. One of the subjects that the committee study is currently addressing is how our most valuable resource—people—is being used within the Directorate of Intelligence and other analytic units in the Intelligence Community.

Mr. HELMS. Then, am I correct in understanding that the select committee's study will investigate whether CIA analysts are being drawn away from doing basic research?

Mr. DURENBERGER. That is correct.

Mr. HELMS. I thank the Senator. And when will this committee study be completed, if I may ask the chairman?

Mr. DURENBERGER. Our current expectation is that the study will be completed and available for implementation in January 1987.

Mr. HELMS. That is fine. I appreciate the distinguished chairman's response and I appreciate his diligence in this connection, and that of Senator LEAHY, as well. I will be looking forward to the results because, Mr. President, this issue is so critical to our intelligence capability and, of course, to the security of this country.

## COUNTERINTELLIGENCE COLLOQUY

Mr. HELMS. Mr. President, counterintelligence is at the heart of the deep concern that many Americans have about the intelligence community and its potential weaknesses. The espionage cases of the past 2 years do not tell the whole story, but they make clear that our Government has some very serious problems.

Counterintelligence issues cannot be confined to closed hearings and secret deliberations. Foreign agents and spies are prosecuted in public. Strategic monitoring capabilities are acknowledged by the Government, and Soviet

concealment practices are described in the administration's unclassified statements on Soviet noncompliance with arms control agreements. The compromise of our intelligence collection capabilities by a Howard, a Pelton, or a Chin cannot be kept quiet, because espionage is too serious to be immune from the criminal law or congressional and public concern.

The implications of these and other, earlier hostile intelligence successes can be enormous. The Navy says the Walker-Whitworth ring was a military disaster. Fortunately, we were not engaged in battle with the Soviet Navy, for we might well have lost any battle due to the Soviets reading our coded messages; that's what we did to Japan in World War II. There are immediate dangers when the compromise of intelligence secrets gives our adversaries the ability to neutralize or deceive some of our sensitive intelligence systems or operations.

Concerned Americans have to be deeply troubled by the prospect that the Government may not be facing up to the full implications of Soviet intelligence operations. Is anybody doing an overall assessment of the damage from all the recent espionage cases? How can we learn and apply the lessons, if nobody looks at what went wrong, why it happened, and what the consequences have been?

Another question is raised by the latest case involving a Soviet employee at the United Nations Secretariat. Has there been a comprehensive effort to examine the ways the Soviet KGB exploits its access through the U.N. Secretariat and the Soviet U.N. missions for intelligence purposes? We have stood idly by for too long while the Soviets overwhelm our counterintelligence by the sheer numbers of people they have at the United Nations.

When are we going to get serious about the role of disinformation, forgeries, and other "active measures" in Soviet foreign policy? The KGB is using these covert political action operations all over the world, and the United States itself is not off limits.

Are we building a cadre of trained and experienced counterintelligence specialists in the intelligence community who can handle all the dimensions of hostile intelligence operations? Or is counterintelligence still the forgotten discipline, a dead-end job that can not attract talented intelligence professionals?

Does the intelligence community have the capability to detect and analyze hostile measures to deceive, manipulate, or limit our technical and human intelligence collection? Do we have an organized effort to protect the security of our own intelligence systems and operations? These are issues that strike at the core of the credibility of our national intelligence products.

Is there any plan to improve personnel security in the State Department and the intelligence community?

There is altogether too much reliance on foreign national employees at sensitive U.S. missions abroad, and we must wonder whether the CIA has learned any lessons from the Koecher, Scrago, Howard and Chin cases.

Finally, the interrelationship among these issues show the inequity of the Government's definition of "counterintelligence" in Executive Order 12333. That order says that counterintelligence means "information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorism, but not including personnel, physical, document, or communications security programs."

The limitations of this provision should be obvious when it is compared with the terms used in a definition from 1958 that spoke of "destroying the effectiveness of inimical foreign intelligence activities" and that related counterintelligence directly to activities undertaken to protect the security of the Nation and its personnel, information, and installations against espionage, sabotage, and subversion. The 1958 definition may be outdated in some respects, for it leaves out the problem of deception of our intelligence systems and it uses the vague term "subversion" instead of active measures and disinformation. But we need an approach to counterintelligence that stresses offensive tactics and that is broad enough to link the findings about hostile intelligence threats with the design of security measures.

Can the Intelligence Committee provide answers to these questions, so that the Senate and the American people can have some assurances that critical counterintelligence issues are being addressed more effectively than they have been in the recent past?

Mr. DURENBERGER. Mr. President, the Intelligence Committee has been concerned about all of these counterintelligence matters for a number of years. In the last Congress, for example, the committee used the classified report accompanying the Intelligence Authorization Act to require action on several counterintelligence initiatives. They were summarized as follows in a public report to the Senate on the Committee's activities in 1983-84 (S. Rept. 98-665):

## COUNTERINTELLIGENCE

For several years, the Committee has emphasized the need to improve the U.S. counterintelligence capabilities by, among other things, re-establishment of a career counterintelligence service within the CIA and organizational and policy changes to promote multidisciplinary counterintelligence analysis. In the Intelligence Authorization Act Report for FY 1985, the Congress directed that specific steps be taken to achieve these objectives.

Counterintelligence (CI) requires critical appraisals of the operational security and

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13569

vulnerability of intelligence collection from human sources and by technical means. This means testing the conclusions and assumptions of intelligence personnel engaged in collection and in the analysis of intelligence data. For that reason, the job of CI specialist in agencies such as the CIA has not always been popular or career-enhancing. If it is to be done conscientiously, as the Committee desires, it must be done by people whose careers may progress in the ranks of CI specialists, and do not depend on the favor of the collectors whose work they scrutinize. Although CI should not be a force unto itself and the DCI must always judge between contrasting views, it is important to foster and protect the expression of independent views by establishing a career CI service within the CIA.

Additionally, in agencies that collect intelligence by technical means, there is a need to apply CI discipline and provide for the kind of operational security and testing that is traditional for human sources. The need for such operational security and validity-testing is especially important in such agencies, because of the number of recent compromise of technical systems by espionage and unauthorized public disclosure. Inadequate operational security could affect the Committee's willingness to authorize funds for such systems.

In the 99th Congress, the committee has stepped up its efforts on an even wider range of counterintelligence issues. In addition to further initiatives through the Intelligence Authorization Acts and accompanying reports, the committee has conducted a comprehensive review of U.S. counterintelligence and security programs. We have held 16 closed hearings and scores of staff interviews and briefings, drawing on expertise from inside and outside the Government.

The committee is preparing to submit, before the end of this session, a report to the Senate on the results of this review. This report will respond directly to the concerns raised by Members of the Senate and others who wonder whether the U.S. Government is doing all that it can to respond to the hostile intelligence challenge. We are also dealing with significant counterintelligence issues in the Intelligence Authorization Act for Fiscal Year 1987, which the Senate will pass today, and in the accompanying classified report. The bill itself contains legislative provisions to reduce and restrict the hostile intelligence presence, including reduction of the size of the Soviet U.N. missions and greater regulation of East European Government-owned commercial entities operating in the United States, as well as provisions to enhance FBI counterintelligence capabilities through a procedure for mandatory access to financial and telecommunications records.

We are confident, as well, that the committee's forthcoming reports will show significant progress by the administration in building an effective counterintelligence system. That is not to say the report will be rosy. We are pushing the administration on several fronts, particularly on the need for an improved security policy mechanism.

One of the principal features of our report will be an overall assessment of the damage from recent cases, as part of a description and analysis of the hostile intelligence threat across the board. The committee has drawn on its many hearings on specific cases, as well as on internal executive branch assessments of the damage to military, intelligence, and other national security interests.

On specific counterintelligence questions, we believe the committee will bring some reasonably good news. The limited Executive order provision defining counterintelligence does not really reflect the current situation. Thus, executive branch officials are more attentive than ever to the need for security policy to be based on the best counterintelligence. The definition in the order has not been a serious barrier to improvements, once there was a will to take on difficult problems.

Perhaps the most important sign of a new approach is the executive branch decision to develop a national counterintelligence strategy, as we proposed almost a year ago in testimony before public hearings of the Permanent Subcommittee on Investigations chaired by Senator ROTH. Counterintelligence has traditionally been fragmented by the jurisdictional divisions among the FBI, the CIA, and components of the Defense Department. The NSC is now developing a strategic plan that combines the capabilities of all the agencies to achieve identified national objectives.

One reason for greater confidence that this enterprise will succeed is the willingness of the agencies to assign talented counterintelligence personnel to an augmented community counterintelligence and security countermeasures staff, which was reorganized and upgraded by the DCI earlier this year. The community staff is no substitute for joint planning by senior officials of the agencies themselves, but it has a clear mandate to foster and promote the strategic planning process.

Recent counterintelligence actions that have surfaced publicly, such as the expulsion of the Soviet Air Attache in June and the substantial reduction in the size of the Soviet U.N. missions, are tangible signs that the current approach to counterintelligence is indeed to "destroy the effectiveness of inimical foreign intelligence activities." We know that such a strategy has broad support in the Senate. It also reflects the consistent and aggressive prosecution policy adopted over the past 8 years by the Department of Justice.

Soviet exploitation of the United Nations has been a high-priority concern of the committee. In 1985, we issued a public report, prepared for the Committee by the Intelligence Community, on Soviet use of the United Nations Secretariat. Last fall, Senators LEAHY and COHEN of the committee introduced S. 1773 to establish a policy that

the size of the Soviet U.N. missions must be substantially equivalent to the size of the U.S. mission. This year, we have included the provisions of S. 1773 in the Intelligence Authorization Act that is before us now, so as to reinforce the administration's commitment to cut the number of Soviets at their U.N. missions.

The committee is continuing to press the intelligence community to develop in each agency a trained, experienced body of counterintelligence specialists. Several agencies, including the CIA, have made significant strides in this direction during the past 2 years, which will be discussed in the committee's upcoming reports. The committee is monitoring their progress, and the reports identify the need for further actions in several areas.

In the wider field of personnel security for sensitive Government agencies, the committee's reports will have a number of specific findings and recommendations. Without trying to summarize a complex subject, it is fair to say an area where the committee is using the Intelligence Authorization Act to advance needed changes. The committee's actions to improve personnel security are detailed in the classified annex to the bill, which is available to any Member.

We have also supported funds to implement plans, pursuant to the Diplomatic Security Act, to replace foreign national employees with Americans at sensitive State Department posts abroad and to put Americans in charge of Embassy computer systems. The committee has specifically addressed the situation in Moscow, where overreliance on foreign national employees presents definite security risks. Committee legislation proposed by Senators LEAHY and COHEN and enacted in 1985 required the Secretary of State and the Attorney General to submit a plan to eliminate the disparity between the number of Soviet Embassy and consular personnel in the United States, 320, and the number of American officials in the U.S.S.R. about 200. The plan should result in replacing a significant number of foreign national employees by Americans at our Moscow embassy, as well as a reduction in the official Soviet presence in the United States.

The committee and the administration are focusing much more attention on programs to identify, expose, and counter Soviet disinformation, forgeries, and other active measures. The State Department's Bureau of Intelligence and Research has created a new office for this purpose. The FBI has also prepared a completely new and updated version of its 1982 classified report on Soviet active measures in the United States. That report and other intelligence reports on Soviet efforts worldwide have been provided to the committee and were used in preparing our reports to the Senate.

S 13570

## CONGRESSIONAL RECORD — SENATE

September 24, 1964

The counterintelligence issues that are most difficult to discuss in public involve denial, concealment, and deception. We do not want to reveal to our adversaries either our strengths or our weaknesses. Yet we realize there are inevitable public concerns about whether the Soviets may be able to affect U.S. national policy by deceiving our intelligence system. This problem deserves high priority in every part of the intelligence community, as well as leadership by the DCI who can ensure that analysts have access to the data they need to identify threats and develop means to counter them. The committee and the DCI have taken certain initiatives in this field, and the committee continues to monitor the effort. The classified committee report to the Senate will discuss this issue.

In general, we have found over the past 2 years a new attitude in the executive branch toward counterintelligence. The administration and the intelligence community are coming to grips with difficult, underlying problems that have plagued the Government for years. The Intelligence Committee has worked very closely and quietly with the executive branch to raise these issues in a manner that can lead to their resolution by policymakers, rather than delay on defensiveness.

The committee's attention to these issues will not end when our reports are issued next week. The committee will continue to seek the support of the Senate for its efforts to make constructive use of its oversight authority in counterintelligence and other sensitive areas.

Mr. President, I have one further set of brief comments that relate principally to the process that we are going through this afternoon. I have indicated already that the Committee on Intelligence has agreed to accept the omnibus amendment the Senator from North Carolina has offered to the authorization bill.

But, if I might, I would like to make two brief points. One, that it would not be accurate to say that, as chairman, I agree with the purpose of these amendments or with any reflection that the acceptance by the committee might imply on the current performance or management of the intelligence community.

I do understand, Mr. President, that this process that we are going through here this afternoon does allow the Senator from North Carolina to raise some issues that he feels very, very deeply about. He is not a member of the Intelligence Committee and has not been a member of that committee. This is an opportunity for him, as any Member might have that same opportunity, to raise those issues and to ensure not only himself but a larger constituency that he and we represent that these issues have been considered by the Senate, are being considered by

the Congress and are being considered by the executive branch.

The second point I would make is important as it relates to what you might call the health and welfare of the intelligence oversight itself. Because, Mr. President, when the Senate created the Select Committee on Intelligence in 1976, under the provisions of Senate Resolution 400, it was exploring new ground. Up until that time, many people believed that it was impossible to operate an effective intelligence community without giving away the essential democratic right of free and open debate. Some people said democracy had to give way because the United States absolutely needed intelligence. Others said the United States should not operate an intelligence community at all because the costs of operating a community in the way it needed to be operated, the costs to democracy would be too great.

The Senate at that time said otherwise. In adopting Senate Resolution 400, the Members of the Senate decided that they could compromise between intelligence and democratic rule by selecting some of their colleagues to represent the full range of views within the Senate and by giving them full and open access to the budget, the operations, and the policies of the intelligence community. Then, to protect the security of the intelligence, the Senate agreed to isolate legislative review of the intelligence community to just this one committee.

The thinking, Mr. President, was that the Select Committee on Intelligence would serve as a buffer.

The concerns that Members had regarding intelligence were to be funneled through the committee so that discussions of the relevant issues could remain secure. In exchange for that arrangement, the intelligence community agreed to deal with the select committee in a completely frank and open atmosphere. Normally, this process works well. The community has sometimes raised concerns about security. The select committee for its part sometimes complained about not being kept fully and adequately informed on intelligence matters.

But, on the whole, Mr. President, the system works, and it works well.

As I said in my earlier statement, it is kind of an amazing fact that not \$1 is spent on intelligence in the United States that has not been reviewed by the elected representatives of the people of this country in Congress. That is an amazing fact. It is unique in the world. But it is a fact.

Unfortunately, Mr. President, the system, to a degree, this year may have broken down, or some people may say it has broken down. And it is not the kind of course that we would necessarily want to follow year after year after year.

I think the Members of the body understand that everyone has the right to move amendments to the intelligence bill on the floor of the Senate.

That right needs to be exercised in responsible fashion as possible. I have just had an example of that here earlier this afternoon.

Mr. President, I would suggest that in the accommodation to our colleague from North Carolina, we are not necessarily intending to set up a process, pattern or rule. It is very, very difficult for the 15 Members who have volunteered for brief periods of time in their Senate career—up to 8 years but no more—to deal with the very difficult issues of the so-called compromise between democracy and good intelligence.

So I would hope that, in the future the concerns of all of our colleagues for the adequacy or the inadequacy of the intelligence collection analysis or oversight process may be reflected in a manner somewhat different from the manner in which it was reflected this year.

□ 1520

And yet, Mr. President, I would say that without in any way disparaging the right of my colleague from North Carolina to present to his colleagues and to present to the larger constituency that we all represent those feelings that are deeply held, feelings that have accumulated over years and years of experience, with a commitment to the security of the country that we both hold so dear.

Mr. President, I yield to my colleague from Vermont.

Mr. LEAHY. Mr. President, I will be brief. I think the distinguished Senator from Minnesota has spelled out very carefully and very well the strictures we operate under and the extreme difficulty we face in actually running this committee. I compliment him for his work and the amount of time that he has devoted. He knows more than any of the other 99 Members of this body how much time it takes, how much care it takes, and why so often we must to speak in euphemisms if we speak at all. We often refrain from speaking rather than saying anything at all.

I also compliment the distinguished Senator from North Carolina because he worked very hard with the committee in trying to find the way to raise issues of concern to him in a manner which minimizes floor discussion.

The distinguished Senator from North Carolina is certainly not one who normally would shy away from floor debate. But in this case, he has worked very, very hard to minimize discussion on issues about which he feels strongly.

As he knows, and the distinguished Senator from Minnesota and I know, many of these topics are quite sensitive. We do not want to do anything to damage our intelligence or national security in discussing them.

I will note that the full descriptions of the issues and report language to be appended to the Intelligence Commit-

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13571

ter's report are available to all Senators through the select committee in a classified version under the structures of Senate Resolution 400.

I would also note for all Senators that the chairman and I are willing and ready at any time to meet with Senators from either side of the aisle if they have specific questions on intelligence matters. If we have the answers we can make them available under the rules of Senate Resolution 400. If not we can use the Senate Intelligence Committee to get those questions answered for individual Senators or for committees—whether it is Foreign Relations, of which the distinguished Senator from North Carolina is a member, or Armed Services or Judiciary. Each of these committees from time to time have need for access to classified material in order to carry out their duties and functions.

Again, I would remind all Senators that we are available to help. We neither serve as advocate or adversary, but merely present the facts as we know them.

I yield to the distinguished Senator from Minnesota.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Let me say to my good friends, Senator DURENBERGER and Senator LEAHY, that I appreciate the spirit of cooperation and I think it is a matter of comfort to people inside and outside the Senate that there is comity in the understanding about the agreement about very important aspects of our intelligence capability in this country.

I know this exercise has been arduous for you. It has been detailed. And also for the staff, in particular, Mr. McMahon, Mr. Finn, Mr. Newsome, and Mr. Holliday. They have spent an enormous number of hours going through this material.

I might add parenthetically, it was not easy to prepare my statement, even, without running the risk of stepping over the classified line of demarcation.

In any case, I compliment the chairman and vice chairman of the committee and I assure them it has been a pleasure to work with them on this.

It is a complicated amendment and it is a very important one.

I thank my friends.

Mr. DURENBERGER. I thank our colleague from North Carolina for his comments. I think in the remarks we have made on the subject, besides expressing the difficulty in dealing with the line of demarcation that the Senator from North Carolina referred to between classification and national secrets and what can be referred to in the open, the other difficulty is always dealing as between this branch and the executive branch. I think the Senator from North Carolina can appreciate to a degree the difficulty, perhaps the last-minute difficulty, presented to

some people in the executive branch who have been working very, very closely with this committee over many years particularly in the last 2 years—by the suggestion from the Senator from North Carolina that a more detailed description of the needs of the oversight process needed to be accommodated.

I reflect in my comments my appreciation to my colleague from North Carolina for being, I think, significantly cognizant of the difficulty that certain members of the executive branch may have had with his amendment.

Mr. HELMS. If the Senator will yield, I thank him for his kind comments. In a very delicate way, it might have given some slight heartburn to certain individuals, which is what I intended, but they can take a little bicarbonate with water and feel better tomorrow morning.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2896) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

## AMENDMENT NO. 2897

Mr. HELMS. Mr. President, I have a second amendment at the desk which I momentarily will call up and ask to be stated. I am offering amendment on behalf of myself and Senators PELL, DENTON, HATCH, KERRY, WALLOP, ZORINSKY, HAWKINS, McCURE, SYMMS, HECHT, THURMOND, and MATTINGLY.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself, Mr. PELL, Mr. DENTON, Mr. HATCH, Mr. KERRY, Mr. WALLOP, Mr. ZORINSKY, Mrs. HAWKINS, Mr. McCURE, Mr. SYMMS, Mr. THURMOND, Mr. MATTINGLY, and Mr. HECHT, proposes an amendment numbered 2897.

On page 24 of the bill, after line 4, add the following new section:

"Section 604. The Director of Central Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than March 1, 1987, whether and to what extent the Defense Forces of the Government of Panama have violated the human rights of the Panamanian people, are involved in international drug trafficking, arms trafficking, or money laundering, or were involved in the death of Dr. Hugo Spadafora."

□ 1530

Mr. HELMS. Mr. President, in the past few months, may Senators have come to me and expressed their deep

concern over the current situation in Panama. There were many events in Panama in the last year which sparked this concern, beginning with the brutal murder of former Vice Minister of Health, Dr. Hugo Spadafora, and the forced removal of President Nicolas Ardito Barletta. This concern was heightened with the revelations about Gen. Manuel Antonio Noriega last June in the New York Times and on NBC television. Furthermore, in the subcommittee on Western Hemisphere Affairs, I held three hearings this year on Panama in which both witnesses from the administration and the private sector discussed many of the problems facing Panama today.

The news accounts as may be expected, generated a greater interest in tracking down the veracity of the alleged activities of the Panamanian Defense Forces. Several hearings were held in the House of Representatives, and just last week, Johns Hopkins University held a seminar on Panama and what is going on there. At that seminar, Mr. Norman Bailey, a former NSC staffer charged that U.S. dependence on Panama as an intelligence asset was causing us to mute criticism of Panama's drug trafficking activities, and the Spadafora case.

This cannot be allowed to continue, Mr. President. Other recent allegations regarding Panama have centered on the following issues: The decapitation and murder of Noriega's harshest critic, Dr. Spadafora; the unanswered questions about the plane crash of Gen. Omar Torrijos; the role of the Panamanian Defense Forces in international drug trafficking, arms trafficking and money laundering; the role of the Panama Defense Forces in election fraud; the role of the defense forces in the removal of President Barletta; the existence of gross corruption at the highest levels of the government and the defense forces; the role of General Noriega as an intelligence asset for Cuba and other countries, at the same time he was providing intelligence for the United States; and the role of Panama serving as a refuge for various terrorist organizations.

Mr. President, this amendment pending would require that the Central Intelligence Agency report to the Intelligence Committees of the Senate and the House, within 6 months, whether and to what extent the defense forces of the Government of Panama violated the human rights of the people of Panama; to what extent they are involved in international drug trafficking, arms trafficking, or money laundering; or whether they were involved in the death of Dr. Hugo Spadafora.

It is time that the veneer was ripped off and whatever the facts may be—and I think I know what they are—let them be exposed. That is all this amendment asks. I am asking it because I believe that it is absolutely essential that the U.S. Senate be able to



S 13572

## CONGRESSIONAL RECORD — SENATE

September 24, 1986

have this information in order to assist United States policy toward Panama with regard to intelligence matters. In the New York Times of June 12, 1986, Seymour Hersh wrote that senior U.S. Government officials stated that General Noriega had been providing intelligence information simultaneously to Cuba and the United States. I believe that we absolutely must ask ourselves whether this situation constitutes a national security threat to the United States if proven true. It is with this in mind that I offer this amendment on behalf of a number of my colleagues and myself as a first step in focusing our long-overdue attention on what really is going on and has been going on in Panama. Let us review a little bit, then I shall conclude.

Mr. President, a little more than 1 year ago, Panama was shocked by the brutal murder of Dr. Hugo Spadafora, at one time the Vice-Minister of Health for Panama. More recently he had been leading bands of freedom-fighters in the fight against the Sandinistas in Nicaragua.

In the weeks before he was murdered, Dr. Spadafora had been very vocal in criticism of elements in the Panamanian military whom he said were allied to drug trafficking, principally Gen. Antonio Noriega.

That is pretty dangerous stuff to do and say in a number of countries. Apparently Panama is one of them because on September 13, Doctor Spadafora was taken off a public bus as it entered Panama from Costa Rica by two members of the Panama defense forces, and was never seen again alive. The next morning his decapitated body was found across the border in Costa Rica, and that mutilated body showed clear signs of torture before this man was murdered.

Dr. Barletta, the President of Panama—incidentally, he is a graduate of North Carolina State University. I might say to my friends who are managing this bill—Nicky Barletta was moved by the public outcry to call for the appointment of a commission to investigate the death. And what do you reckon happened, Mr. President, when Barletta called for a public investigation? This was the President, President Barletta, known personally by many of us in this Chamber.

Before the commission could even be appointed, he went to New York for the meeting of the UN General Assembly. He returned to Panama on September 26, and was ousted under pressure from the military elements suspected of the murder.

That was the President of Panama, and he was ousted after he had said, "I want a public investigation and I am going to appoint a commission." That is the kind of thing, Mr. President, that this Senator believes should be investigated, and I believe the U.S. Senate is well within its rights to make such a requirement of our intelligence capability.

Let me make it clear, Mr. President, that I am not a partisan of Dr. Barletta. I know him and I like him personally. I am not a partisan of the late Dr. Spadafora or General Noriega. And I have grave doubts, as a matter of fact, that Dr. Barletta's election was a free and fair election. I would hardly be considered an advocate of Dr. Spadafora's Social Democrat politics; not do I hold any brief for General Noriega, whose longstanding ties with Cuba are well-known.

Nevertheless, the Panamanian Government is widely perceived as dependent on United States aid. We appear to be responsible for the activities of the Panamanian military, as though we somehow approved the murder of Dr. Spadafora.

That is why the U.S. Senate deserves to know the truth about what is happening in Panama, and why we need to call upon the CIA to direct its assets toward a study of Panamanian Government involvement in drug trafficking, arms trafficking and political assassination.

Mr. President, the historic partnership with Panama has always been very important to the people of the United States. The friendly contribution of the American people to Panama's development, through the construction and operation of the Panama Canal, still remains unmatched in any other country in the world. At times, no doubt, the sheer size of the United States has tended to overwhelm Panama, and Panamanians have sometimes chafed at the relationship, perhaps feeling they have too much of a good thing. Nevertheless, for better or for worse, the United States and Panama are closely associated by treaty until the end of this century; and I know of no American who is not eager for that close association and friendship to continue for the next century.

And in Panama itself, we recognize a basic reserve of good will and deep friendship. Many Panamanian families have intermarried with ours, have sent their sons and daughters to the United States for education, have joined in business ventures with Americans for decades in the canal operations. Members of the Panamanian Defense Forces have trained with our military personnel, have gone to our military schools, have served on multilateral institutions such as the Inter-American Defense Board, and worked to coordinate the defense of the canal.

The positive interests of the United States and of Panama are inextricably intertwined to the benefit of both countries. We want to do everything to see that those benefits continue for everyone.

Yet the news from Panama continues to be very disquieting. When the commitment to turn the Panama Canal over to Panama was made in the 1976 treaties, there were many of us in

this country who felt that Panama, physically, was too small a country to bear the burden of responsibility for a strategic waterway coveted by the major military and economic powers of the world. We lost that argument. But there was an implicit agreement in the treaties that the United States would work to encourage stability and development to Panama during the transition period so that Panama would be as strong as possible in the year 2000.

So far Panama has not achieved either political stability or economic development. Despite the many additional millions of dollars which the treaties have brought to Panama, the republic faces an economic crisis. Unemployment has reached catastrophic proportions. And its political structure has almost ceased to operate effectively. In the last 4 years, Panama has had five Presidents, three of whom were removed by pressure from elements in the military. The brutal murder of Dr. Hugo Spadafora has not been solved. Panama's free press, with traditions stretching back to the founding of the republic, feels increasing pressure and intimidation.

These international events are destabilizing Panamanian society. Panama's future internal security depends upon opening up economic opportunity to all levels of the Panamanian social structure. The promise of free enterprise will be an illusion unless the campesino, the worker, the tradesman, and the small businessman have the chance to participate in economic life. No economy can flourish when motivation is destroyed by Government regulations, delays in granting permits, redistribution schemes, corruption, and special privileges for cronies and relatives of the rich and powerful.

Moreover, powerful outside forces threaten Panama's freedom, independence, and democracy. The longstanding relationship of some elements in the military with the totalitarian Communist government of Cuba is a cause for concern. The special privileges granted to the supra-national banking institutions, which respect the national interest of no nation, have distorted the Panamanian economy and Panama's relationship with other nations. Finally, the growing concentration of the North American drug traffic in Panama's transportation facilities threatens to create forces more powerful than any legitimate power in Panama.

The brutality of the murder of Dr. Spadafora, an insistent critic of powerful elements in Panama, is without precedent. It has served as a catalyst to action for many, inside of Panama and without, who believe that it marks the end of Panama's independence and signifies the hidden takeover of the country by illegitimate and anti-democratic forces. That is why my

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13573

amendment calls for a thorough CIA report to the Intelligence Committee.

Mr. President, I ask unanimous consent that the following articles be placed into the CONGRESSIONAL RECORD: June 12, 1986, New York Times, "Panama Strongman Said To Trade in Drugs, Arms and Illicit Money," by Seymour Hersh; June 13, 1986, New York Times, "U.S. Aides in '72 Weighed Killing Officer Who Now Leads Panama," by Seymour Hersh; June 16, 1986, New York Times, "U.S. Envoy Outlining Policy for Panama," by James LeMoynes; and September 20, 1986, the Washington Post, "Panamanians Spying on, for U.S.," by Associated Press.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

(From the New York Times, June 12, 1986)

**PANAMA STRONGMAN SAID TO TRADE IN DRUGS, ARMS, AND ILLICIT MONEY**

(By Seymour M. Hersh)

WASHINGTON, June 11.—The army commander of Panama, a country vital to United States interests in Latin America, is extensively involved in illicit money laundering and drug activities and has provided a Latin American guerrilla group with arms, according to evidence collected by American intelligence agencies.

Senior State Department, White House, Pentagon and intelligence officials said the evidence also showed that the Commander, Gen Manuel Antonio Noriega, who is in effect the leader of the country, had been tied to the killing of a political opponent. They also said that for the last 15 years, he had been providing intelligence information simultaneously to Cuba and the United States.

In addition, they said, General Noriega is a secret investor in Panamanian export companies that sell restricted American technology to Cuba and Eastern European countries.

**ESPIONAGE INVESTIGATION IN '70'S**

In the mid-1970's, according to former officials of the National Security Agency, General Noriega was implicated in a secret espionage investigation involving the transfer of highly sensitive agency materials to Havana. These officials said General Noriega purchased the N.S.A. documents from a United States Army sergeant on duty in Panama.

A White House official, discussing General Noriega's role in what he depicted as the "Panamanian connection," said curtailing the general's activities would play an enormous role in stopping the international trafficking of drugs by organized crime.

The head of the Panamanian military, called the Panama Defense Force, is widely viewed as the politically dominant force in the country.

General Noriega is on a visit to the United States this week and presented a Panamanian medal of honor today at a private ceremony at the Inter-American Defense Board. Requests to interview the general in Washington received no response.

In Panama last weekend, General Noriega could not be interviewed to discuss the Americans' assertions despite three days of telephone calls to the army press office and attempts to reach him through other senior army officers.

**SPOKESMAN DENIES ASSERTIONS**

The general, said Capt. Eduardo E. Lim Yueng, the second in command of the

Panama Defense Force press office, was busy with other important business. Two days of telephone calls including several written messages left with secretaries, brought no reply from the presidential press office.

Captain Lim Yueng, however, denied the assertions as a spokesman for the institution of the armed forces and for General Noriega. He said General Noriega and the military were the victims of a campaign of slander that had no basis in fact.

"These are political attacks," he said. "General Noriega would answer the same way. This campaign is trying to damage our institution."

A White House official said the intelligence information about General Noriega's activities had been made available to senior officials of the White House. But this official and others said they did not know whether President Reagan was aware of the reports.

A senior Reagan Administration official would not discuss the assertions against General Noriega, who was previously head of military intelligence and became army commander when Brig. Gen. Omar Torrijos Herrera was killed in a helicopter crash in 1981. The Administration official expressed concern that the intelligence information would damage relations with Panama if it was seen as reflecting the views of the White House.

Officials in the Reagan Administration and past Administrations said in interviews that they had overlooked General Noriega's illegal activities because of his cooperation with American intelligence and his willingness to permit the American military extensive leeway to operate in Panama.

They said, for example, that General Noriega had been a valuable asset to Washington in countering insurgencies in Central America and was now cooperating with the Central Intelligence Agency in providing sensitive information from Nicaragua.

But many Reagan Administration officials made clear in interviews that the extent of General Noriega's activities was seen as a potential national security threat because of the strategic importance of Panama and the Panama Canal. Under treaties negotiated with General Torrijos in the 1970's, the United States has agreed to turn the canal over to Panama in the year 2000.

"It's precisely because we have long-term strategic interests in Panama, with the canal, that it's important to have reliable people we can deal with," a senior American diplomat said. In addition, Panama has become increasingly important for the United States and its monitoring of insurgencies in Central America.

**GENERAL'S ACTIVITIES: 'LEGAL AND ILLEGAL'**

A recent classified report by the Defense Intelligence Agency concludes that General Noriega, operating through a small band of top associates in the military, maintains tight control of drug and money-laundering activities by his associates in the Panama Defense Force, according to one American official. The study said the general was "deeply involved in legal and illegal business."

"Nothing moves in Panama without the instructions, order and consent of Noriega," the official said.

According to the State Department, White House, Pentagon and intelligence sources, there has been longstanding evidence among intelligence officials of General Noriega's activities, including his relations with the Cuban Government and his willingness to sell arms to the M-19 rebel group in Colombia.

The goal of M-19, which is pro-Cuban, is to overthrow the democratically elected

Government. Over the years, the M-19 group has been responsible for violent attacks that have led to hundreds of deaths.

Of the assertion on the M-19 guerrillas, Captain Lim Yueng, the Panamanian Army spokesman, said: "We have no information on M-19. We do all we can to avoid Panama being used as a trampoline for terrorism."

The Captain also denied any Cuban intelligence efforts in Panama or that General Noriega was involved in any shady dealings with Cuba. He also denied any export of embargoed goods to Cuba. "Cuba has an embassy here and normal relations with many countries," the captain said.

He added: "We've captured drugs here and are doing our best to collaborate with the United States to fight narcotics in Panama."

**'A CRITICAL MISJUDGMENT' IN KILLING OF SPADAFORA**

CRITIC

What has come to be seen within the United States Government as the Noriega problem was heightened by recent intelligence directly tying the general and the leadership of the Panama Defense Force to the slaying last September of Dr. Hugo Spadafora, one of the army's leading critics.

In his statement, Captain Lim Yueng said: "There is absolutely nothing in this case involving the army. Spadafora had many enemies. The institution of the armed forces absolutely denies any ties to the death of Spadafora. We criticize this crime."

A classified Defense Intelligence Agency report on General Noriega described his involvement in the killing as "a critical misjudgment" on his part. The D.I.A. is also known to have intelligence demonstrating that General Noriega ordered the killing, according to an official with first-hand information.

Dr. Spadafora's decapitated body was found stuffed in a United States mailbox in Costa Rica just across the Panamanian-Costa Rican border. The killing occurred a few weeks before General Noriega ousted the civilian President, Nicolas Ardito Barletta, who was about to name an investigating commission.

Mr. Barletta was replaced by Eric Arturo Delvalle, who is viewed by American officials as another nominal leader, with the army commander actually in control of the country.

Some senior White House officials have privately been concerned about General Noriega's activities. Late last year Vice Adm. John M. Poindexter, then the newly appointed national security adviser, visited the general and privately told him to "cut it out"—alluding to the drug and money laundering activities and his close relations with Cuba, according to a Government official.

Admiral Poindexter was later quoted as having raised questions about an alternative to the Panamanian general.

The issue is a chronic one for American policy makers: how far to over look corruption and a lack of democratic principles in allies in order to protect secret intelligence installations.

Senior civilian officials in the Pentagon, headed by Nestor D. Sanchez, a former C.I.A. and White House aide for Latin American issues who is a deputy Assistant Secretary of Defense for Inter-American Affairs, are known to be concerned that any successor to General Noriega might not be willing to tolerate the American military activities that now exist in Panama.

**IN PANAMA, A WEB OF U.S. INTELLIGENCE**

Since the early 1980's the National Security Agency, operating through its military components in the Army, the Navy and the Air Force, has vastly increased its intelli-

S 13574

## CONGRESSIONAL RECORD — SENATE

September 24, 1985

being gathering activities in Panama. It is now known that all of Central America and most of South America, from its Panamanian installations.

The Central Intelligence Agency has also used military bases in Panama, especially Howard Air Base near Panama City, as a jumping-off point for intelligence gathering and for agents sent to Nicaragua, according to intelligence officials.

In interviews, Reagan Administration officials emphasized the nature of the evidence that General Noriega and the top leadership of the Panama Defense Force, to money laundering and drug trafficking activities.

One official who said he had extensively reviewed the most sensitive intelligence available to the American Government on General Noriega, including reports from agents and intercepts described most of the specifics as "having to do with gun and drug running."

He said General Noriega's name appeared "over and over" in connection with specific dates, places and contacts in money-laundering and drug activities.

Much of the information the sources acknowledged has been gleaned from National Security Agency intercepts, among the most highly classified information in the Government.

In interviews, intelligence officials repeatedly described General Noriega as brilliant in masking much of his direct involvement, preferring to operate through cutouts or as a secret partner in Panamanian trading companies and banks.

An American official with long experience in Panamanian affairs noted that the general seemed to have become more circumspect in his pattern of activity in the early 1980's, moderating overt support for M-19 and direct financial involvement in drug activities.

Instead, the official said, the general has invested more heavily in legitimate business ventures and become more involved in what were described as safer and more lucrative activities—money laundering, much of it, according to American law enforcement agencies, known to be drug-related. In addition, the official said, he has also become involved in the shipping of high-technology American goods, much of them on restricted lists, from duty-free zones in Panama to Cuba and countries in Eastern Europe.

#### COLOMBIAN REBELS AND THE PANAMANIANS

According to American intelligence officials there is evidence tying General Noriega to longstanding arms dealing to M-19, the Colombian rebel group.

Such shipments dwindled in the last few years, officials said, apparently in response to pressure from the Reagan Administration, but have begun to flow again. General Noriega's M-19 trafficking "continues today," said an official with access to the most current intelligence.

The most specific details of General Noriega's involvement with M-19 were provided by C.I.A. officials. In one instance, carefully monitored by the agency, General Noriega and members of the Panama Defense Force were found to have armed a small M-19 band—estimates range from 60 to more than 100—before an unsuccessful attack on Colombia's west coast in early 1982.

Members of the M-19 group, which had been trained in Cuba, were tracked by American intelligence as they left Havana and flew to Panama, according to intelligence officials. They said the rebels were then armed by members of the Panama Defense Force and shipped by a boat, which had passed through the canal, from Panama Bay to two locations off the coast of Colombia.

The guerrilla band was eventually found and attacked by Colombian officials, with heavy loss of life, according to intelligence officials. Details were given in which the recruits told of their training in Havana and their stay in Panama, including an overnight stay in a safehouse that was said to have been provided by members of the Panama Defense Force.

Other American intelligence officials told of viewing reconnaissance film, believed to have been taken by a high-flying U-2, depicting M-19 aircraft off-loading drugs at a Panamanian Air Defense Force airstrip. Arms were said to have been loaded into the craft for its return to Colombia.

Through his legal and illegal activities, American officials said, General Noriega has amassed an enormous personal fortune, much of which is believed to be deposited in European banks. He is reported to own at least two homes in Panama City and one in southern France. As army commander, officials said, General Noriega earns a salary of \$1,200 a month.

General Noriega is also reported to have a substantial interest in a bank in the Colon, Panama, Free Zone, which American officials said is heavily involved in laundering money for the M-19 as well as for narcotics dealers.

#### LAUNDERING MONEY AND SHIPPING DRUGS

According to a 1985 assessment of "U.S. Narcotics Control Programs Overseas," published by the House Foreign Affairs Committee, Panama is regarded by American law enforcement officials as a "drug and chemical transshipment point and money-laundering center for drug money."

Panama's banking laws are among the most stringent in the world, permitting secret accounts by individuals and corporations that are virtually free from scrutiny by American law enforcement officials. Additionally, Panama's corporation laws allow companies to be organized with no public disclosure of principals. As a result, Panama has become a world leader in the depositing of illegal profits from drug dealing and other activities.

Cash on deposit at a Panamanian bank can simply be sent by wire to banks in the United States or elsewhere, part of the process known as money laundering, in which the ultimate source of the money is disguised through a series of transactions.

A White House official said the most significant drug-running in Panama was being directed by General Noriega.

"Doing away with the Panamanian connection—in the sense that General Noriega condoned and protects such activity—would put one nail in the coffin of the movement of drugs in organized crime," the White House official said. "That's the bottom line."

In the recent interviews, Administration officials depicted General Noriega's current drug function as that of a "facilitator." The officials cited intelligence reports showing that he is a secret investor in companies controlled by a Panamanian businessman and is financially involved in a series of trading companies.

A former White House aide depicted General Noriega's role as being to "facilitate the shipments and pay the payoffs."

The former aide added: "Noriega doesn't carry the stuff around. They pay him a percentage for protection of the traffic."

General Noriega's involvement in money laundering was similarly described by American intelligence and diplomatic officials as a behind-the-scenes role, with private export companies acting as his agent.

Officials said the United States had intelligence showing that in the early 1980's General Noriega held a major financial in-

terest in an opaque Panama bank that was discovered, according to a House Foreign Affairs Committee investigation in 1985, in connection with the Panamanian-Colombian border.

The Congressional report noted that a laboratory was apparently financed by Colombians along with a senior member of the Panama Defense Force whom it identified as a Colonel Melo.

The colonel and others were arrested by the Panama Defense Force, the report noted, but "none was prosecuted due to lack of evidence." Administration officials said that despite the officer's arrest and dismissal from the military by General Noriega, he was still living openly in Panama City.

Customs officials have filed many criminal indictments in which the role of members of the Panama Defense Force was prominent. In one case, involving a private Panamanian freight carrier, Inair Cargo Airlines, a Federal grand jury returned an indictment charging conspiracy to move "multimillion-dollar shipments" of cash to Panama.

According to American officials, there is evidence tying General Noriega and members of the Defense Force to a financial involvement in a small airline charter company that, operating out of the main airport in Panama City, flies weekly money-laundering missions in and out of the United States. The aircraft is met in Panama by an armored truck.

#### NORIEGA REPORTED LINKED TO A KILLING

According to American officials, the Defense Intelligence Agency has uncovered evidence linking General Noriega to the slaying of Dr. Spadafora.

General Noriega has repeated military denials of involvement in the killing.

One White House official who has access to the Government's intelligence reports said "there is no doubt" that General Noriega was directly implicated in Dr. Spadafora's death.

Another official said the intelligence "takes it up to him"—General Noriega—"as the originator of the idea and the planning of it." There is no evidence, the official added, that General Noriega was directly involved in the actual torture and slaying of Dr. Spadafora, who was beheaded.

General Noriega is known, according to highly sensitive American intelligence information, to have told "several aides in prior days that 'I want that guy's head,'" the official said. American intelligence officials in Panama are known to have reviewed the Panamanian medical reports on the slaying and confirmed, the official added, that Dr. Spadafora was tortured four to six hours while alive.

Another American official, who was in Central America at the time of the slaying, similarly declared that the United States "knows"—he emphasized that word—"that the Panamanian Defense Force did him in; these are people who were working under Noriega."

This official also said, however, that "who gave the order and why it was done in the way it was, we don't know." The possibility cannot be ruled out, he added, that some of General Noriega's associates may have killed him without an express order in hopes of currying favor with their leader.

#### A SUPPLIER OF DATA TO CUBA AND U.S.

General Noriega's ties to Cuba have touched off a longstanding debate among intelligence agencies.

The C.I.A. has viewed General Noriega as an invaluable asset since the 1970's because of his willingness to provide intelligence on

September 24, 1976

## CONGRESSIONAL RECORD—SENATE

S 13575

Cuban. He later became a valuable source of information on the Sandinista revolution in Nicaragua and, informed officials said, has used the Panamanian Embassy in Managua to collect intelligence for the United States.

At the time, it was also known that General Noriega was supplying intelligence on the United States and its activities in Panama and elsewhere to the Cubans.

"The station chiefs loved him," a former American Ambassador to Panama recalled, referring to intelligence agents. "As far as they were concerned, the stuff that they were getting was more interesting than what the Cubans were getting from Noriega on us."

Another American official told of a briefing in Washington at which he was assured that General Noriega was "our man." After the American was posted to Panama City, one of the first National Security Agency intercepts that crossed his desk said that the D.S.G.I., the Cuban intelligence agency, had assured its operatives in Panama that General Noriega was "their man."

One former senior C.I.A. official who served in Panama when General Noriega was chief of intelligence under General Torrijos defended his agency's reliance on General Noriega.

"To me, he was under continuous attack by people who kept saying, 'Look at this with Havana.' But he was G-2," or intelligence. It was General Noriega's job, the C.I.A. official explained, to stay in close contact with Havana.

"As to who had the upper hand—and this was debated for years—the United States or Cuba, I frankly think it was the United States that came out ahead" because of General Noriega's reporting, he said.

#### A BREACH OF SECURITY: 'SINGING SERGEANTS'

The most disturbing breach of security in General Noriega's relationship with Cuba involved his recruitment of an American Army intelligence sergeant in the mid-1970's. The incident briefly came into public view in the fall of 1977, in a critical period in the Carter Administration's negotiations with Panama on the future of the canal.

Among other details, the sergeant informed General Noriega of the clandestine monitoring of senior Panamanian officials, according to intelligence officials. There were later allegations from American critics of the Panama Canal treaties that the United States had eavesdropped on Panamanian negotiations, had been caught in the process and was being threatened with exposure unless last-minute concessions were made. The Senate Intelligence Committee, after investigating the incident, concluded that there was no evidence that the Panamanians had made any blackmail threats.

The incident became known inside the Carter Administration as the case of the "singing sergeants," and the breach of security was widely considered to be limited to interceptions of personal conversations, some of them highly embarrassing, by General Torrijos.

Retired N.S.A. officials, in recent interviews, depicted the breach as far more troublesome and one that directly involved General Noriega. In the officials' account, the sergeant began dealing with General Noriega. Transcripts of intercepts of General Torrijos were turned over, in return for cash payments, as well as highly sensitive technical materials, including manuals that described how various N.S.A. systems worked. "Quite detailed N.S.A. documents were given to Noriega" and ended up in Cuba, a former N.S.A. official recalled.

General Noriega enraged some American officers in the late 1970's, according to an

intelligence report, which he purchased 10 new American-made automobiles when on a visit to Washington and then used his return journey over the vehicles to the Cuban diplomatic delegation in Panama City.

Many American officials, despite their hostility to General Noriega, indulged in these criticisms, expressed admiration for his ability to keep his various connections open with the United States and Cuba at bay. One key to his success, some officials said, was his lack of morals.

(From the New York Times, June 13, 1986)

#### U.S. AIDES IN 1972 WEIGHED KILLING OFFICER WHO NOW LEADS PANAMA

(By Seymour M. Hersh)

WASHINGTON, June 12—Law enforcement officials in the Nixon Administration once proposed the assassination of Gen. Manuel Antonio Noriega, who was then chief of intelligence in the Panama Defense Force, as a partial solution to that nation's heavy drug trafficking, according to a Senate Intelligence Committee report.

The recommendation was one of a series of options proposed in 1972 for dealing with the officer, who was then a lieutenant colonel. The options were presented to John E. Ingersoll, then the Director of the Bureau of Narcotics and Dangerous Drugs. Mr. Ingersoll, the Senate report said, rejected the option, which proposed the "total and complete immobilization" of General Noriega. A separate Department of Justice investigation also found no evidence that any direct action against General Noriega had been put in motion.

General Noriega is now the army commander of Panama and is widely viewed as the politically dominant force in the country. In an article in The New York Times today, American intelligence agencies were reported to have evidence that General Noriega is extensively involved in illicit money laundering and drug activities and provided a Latin American guerrilla group with arms.

In a telephone interview about the Noriega events, Mr. Ingersoll confirmed that he had rejected a staff proposal to kill the Panamanian. He recalled that his agency had accumulated "hard information" that General Noriega was trafficking in drugs and had been frustrated in its attempts to persuade Brig. Gen. Omar Torrijos Herrera, who was then the military strongman of Panama, to take sanctions.

Mr. Ingersoll, who is now a security consultant, recalled that at the same time the Bureau of Narcotics and Dangerous Drugs was under heavy pressure for more aggressive action in international narcotics control from senior officials in the Nixon White House, including John E. Ehrlichman, then the counsel for domestic affairs.

#### A SET OF OPTIONS

Mr. Ehrlichman, reached at his home in Santa Fe, N.M., acknowledged today that during the Nixon years there was White House pressure on Mr. Ingersoll "to get more results," but he said it was nothing more than that—general pressure. Mr. Ingersoll's most pressing concern, Mr. Ehrlichman said, was Turkey as a source of drugs.

The pressure from the White House and the hard intelligence about the extent of General Noriega's involvement in drug trafficking led Mr. Ingersoll's staff to prepare a set of options to deal with the Panamanian, Mr. Ingersoll said.

The Senate Intelligence Committee, in a 1978 report, said five options against General Noriega, who was described as a "Guardia Nacional official" rather than by name, were "considered" by the Bureau of Narcot-

ics and Dangerous Drugs in the first half of 1972.

The report listed the options as: "Immobilize the officer by a financial plan against General Torrijos."

"Lessen the influence of drug trafficking to the press."

"Immobilize the officer by a financial plan over the future status of the Panama Canal."

"Secretly encourage the press to report in Panama to raise the issue."

"Total and complete immobilization."

Senate committee investigators confirmed that the officer referred to was General Noriega, and that the option calling for "immobilization" was a euphemism for assassination.

#### PERIOD OF TENSIONS

One investigator described the evidence obtained by the Bureau of Narcotics and Dangerous Drugs in early 1972 as extensive and said it showed that the Panamanian intelligence officer "was more powerful than anybody wanted to admit at the time."

The Senate report said the options paper was composed at a period of tension in United States-Panamanian relations that stemmed from the drug agency's efforts inside Panama. Agency officials had arrested a Panamanian official inside the Canal Zone, which was then under American jurisdiction, creating a serious diplomatic incident.

According to the Senate report, the State Department and Panama's intelligence service, which Mr. Noriega ran, then insisted that investigators from the Bureau of Narcotics and Dangerous Drugs not enter Panama without coordinating their activities with the United States Ambassador.

Recalling the atmosphere, Mr. Ingersoll said today that there was "no question" that the extensive, and seemingly protected, activities of Colonel Noriega posed "a problem."

#### APPROACH TO TORRIJOS

"The only way to deal with him was to go to his leader," Mr. Ingersoll said, adding that he and top aides in his agency responded to the options paper by taking what he called "hard information" about Mr. Noriega's drug dealings to General Torrijos at a meeting in Panama City.

The confrontation also had been urged by the White House, Mr. Ingersoll said. "They would never have instructed me to go visit the head of an allied country without hard information," he added.

General Torrijos responded to the evidence, Mr. Ingersoll said, by "suggesting that something might be done." But no steps were taken against Colonel Noriega, and Mr. Ingersoll said he concluded at the time that "Torrijos was worried about him even then" and that "Noriega was a very dangerous man."

The 1972 options paper emerged during the Senate Intelligence Committee's extensive investigation in the late 1970's into American intelligence activities inside Panama. At issue was whether there were any high-risk American activities that, if disclosed, would endanger or limit the negotiations then being conducted over the Panama Canal treaty.

#### 4 INSTANCES OF PLOTTING REPORTED

The Committee report also noted that the Department of Justice had investigated the drug agency options paper in 1975 and had concluded that "no illegal activity resulted."

A former senior Justice Department official, reached today, acknowledged that three lawyers, all knowledgeable in national security affairs, had been assigned in the post-Watergate period to investigate four

S 13576

## CONGRESSIONAL RECORD — SENATE

September 24, 1986

known instances of formal and informal assassinations of officials by federal agencies during the Nixon Administration. The department inquiries, conducted in strict secrecy, found "no evidence" in any of the four cases that any action had resulted from the plotting.

It could not be learned what the other three instances were, or how the four cases became known to officials in the Justice Department.

The former Justice Department official said that once confronted with written evidence of assassination plotting, the unit adopted the approach of working "from the bottom up" and summoning field operatives and low-level officials for questioning.

"There were four instances," that official recalled, "where there was a whiff that there could have been consideration of assassination." The Bureau of Narcotics and Dangerous Drugs options paper, with its reference to "immobilization," was one of the four, he said.

"In the Noriega case," he added, "we approached it to see whether any steps were ever taken—and none was."

(From the New York Times, June 16, 1986)  
U.S. ENVOY OUTLINING POLICY FOR PANAMA  
(By James LeMoyné)

PANAMA, June 15—The United States Ambassador here will deliver a formal definition of American policy on Panama to the Government here on Monday, according to an American Embassy spokesman, after charges in Washington that the head of the Panamanian Army is a drug dealer, money launderer and occasional spy for Cuba.

The Ambassador, Arthur H. Davis, was originally scheduled to have delivered the message last Friday, but asked for a postponement until Monday.

The formal expression of Administration policy is seen as a key element in the growing political crisis here set off by the charges made by American officials against the Panamanian Army commander, Gen. Manuel Antonio Noriega. The charges were the subject of a New York Times report last Thursday.

In the last two days opposition leaders have called for the resignation of the army high command and a Government investigation of the activities of General Noriega, who is seen as the true holder of political power here.

## AN APPEAL TO THE MILITARY

The opposition Christian Democratic Party went a step further Saturday night, choosing the politically risky course of calling on "responsible officers and troops" to seek new military leaders.

The increasingly open confrontation with the de facto military Government forms part of a prolonged political struggle in Panama, where the military has imposed or deposed five presidents in recent years and is suspected of having killed a leading opposition figure, Dr. Hugo Spadafora, last September.

"We are in a period of remilitarization of our society," Ricardo Arias Calderon, head of the Christian Democratic Party, said in an interview today. "The structure of military power is more and more naked."

Mr. Arias noted that in recent months there had been unexplained attacks on his party's headquarters and on a leading Christian Democratic legislator. In addition, the Government has shut down an opposition radio station and censored a leading opposition radio commentator.

## ELECTION FRAUD SUSPECTED

The army, known as the Panama Defense Force, seized power in 1968 but permitted a

limited return to civilian rule in the last few years. However, the army is widely believed to have stolen the last election in 1984, imposing its candidate, Nicolas Ardito Barletta, who was then summarily dismissed when he backed an inquiry into the killing of Dr. Spadafora. Dr. Spadafora's decapitated body was found stuffed in a United States mailbag in Costa Rica just across the border with Panama.

In the months since then the army and its political allies have continued to control the Government and have angrily denied the charges made by American officials against General Noriega in the last few days.

The general himself has characterized the accusations as part of a campaign to keep Panama from taking control of the Panama Canal in the year 2000. There are rumors that he is organizing a demonstration in support of the Government later this week.

The charges made in Washington have raised major questions about United States policy toward Panama because they appear to have been purposely disclosed by several American officials who conceded they had known of General Noriega's reported criminal activities for years but tolerated them because he was useful to the United States.

## ATTEMPT AT OUSTER SEEN

The accusations have led to speculation here that the Reagan Administration is now seeking General Noriega's ouster because he is no longer so useful to the United States.

Both American and Panamanian political analysts say Pentagon and Central Intelligence officials have long relied on General Noriega for intelligence information and as a guarantor of the main United States military base and intelligence-gathering center in Latin America, situated along the Panama Canal.

But American officials, speaking in interviews before the latest charges against General Noriega were made public, blamed him for failing to bring the political liberalization that the Administration sees as necessary for the long-term stability of Panama and, by extension, the security of the Panama Canal.

Even General Noriega's chief critics say they remain cynical about American policy concerns in Panama.

Several Panamanian politicians bitterly recalled that despite knowing that the last presidential election was a fraud, the Administration sent Secretary of State George P. Shultz to the inauguration of Mr. Barletta. At the height of anti-Government protests in March, they said, the United States held joint military maneuvers with the Panamanian Army.

## U.S. EMBASSY WON'T COMMENT

"The United States chief interest here is the security of the Panama Canal," Mr. Arias said. "In all these years they have known exactly what Noriega was doing. But now they are against him because they feel he is a source of instability rather than stability."

A spokesman for the United States Embassy refused to comment on American policy here.

At present the political opposition appears too divided and too weak to force major changes. Opposition leaders say that instead they hope a barracks coup will lead to General Noriega's removal.

So far General Noriega has treated his critics with considerable restraint. The opposition La Prensa newspaper has been allowed to print regular front page stories on the general's alleged criminal activities and has repeatedly demanded his resignation.

Pro-Government newspapers have replied, with no apparent sense of irony, by accusing opposition politicians and journalists of

being the main drug dealers in Panama where strict bank secrecy laws are widely believed to have attracted billions of dollars.

(From the Washington Post, Sept. 20, 1986)  
PANAMANIAN SPYING ON FOR UNITED STATES

The United States receives valuable intelligence information about Cuba and Nicaragua from Panamanian "double agents" who in turn inform those two countries about U.S. activities, a former administration official said yesterday.

Norman Bailey, formerly of the National Security Council staff, said he gave big marks to the Panamanian agents because the United States, on the one hand, and Cuba and Nicaragua, on the other, both believe they are "getting more than they are giving."

Bailey said Panama's role as an intelligence asset is a principal reason the United States has muted its public criticism of that country's alleged drug-trafficking activities and continued military domination of the government.

He said, however, that the president's national security affairs adviser, John M. Poindexter, during a private meeting last December, "read the riot act" to the head of Panama's Defense Forces, Gen. Manuel Noriega, about his alleged drug smuggling.

Based on the findings of "all U.S. agencies and departments," Bailey said Panama is "major center of drug trafficking."

Bailey was a panelist for a daylong seminar at the Johns Hopkins School for Advanced International Studies. Panelists included U.S. and Panamanian government officials and nongovernment experts from both countries.

Panama is headed by President Eric Arturo del Valle, who took office last year after Nicolas Ardito Barletta was forced out by the Defense Forces.

□ 1540

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

I yield the floor.

Mr. DURENBERGER. Mr. President, I will be brief. I oppose this amendment of the Senator from North Carolina. As the Chair already knows, we have discussed a variety of his amendments with him and accommodated in the areas we felt we could accommodate. But in this particular area, I will oppose the amendment of the Senator from North Carolina. It would require the Director of Central Intelligence to report to the Intelligence Committees on whether and to what extent the security forces of Panama violate human rights or engage in international drug trafficking and certain other undesirable activities. It sounds like American motherhood, how to get the "Good Housekeeping Seal of Approval," and has gotten a lot of cosponsors.

Mr. President, I would have to note also though for my colleagues that similar reports are required of the President of the United States. Particularly is this true on the issue of human rights compliance. In fact, we



September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13577

consistently require of the President of the United States reports on the human rights compliance of countries that receive security assistance from the United States. This amendment would require an additional, presumably classified, report by the Director of Central Intelligence to the Intelligence Committees on these subjects, but in fact intelligence information should already be fully considered in the reports periodically filed by the President on human rights and on narcotics matters.

Mr. President, I have not asked the other members of the Intelligence Committee their views on this amendment so I speak only for myself in this regard. I believe that the Senator's requirement would duplicate existing reporting. It is unnecessary. I would add this is also the view of the country's intelligence community. Mr. President, I think their concern as well as my own for the amendment by the Senator from North Carolina is that by making intelligence the focus of the inquiry, we run the risk of putting in jeopardy intelligence sources and methods.

On an ongoing basis, inside the committee, apart from explicit statutory authorizations, both the Senate and the House committees do regularly review human rights violations and make a variety of other inquiries as appropriate.

To put that requirement, as the Senator suggests that we do, in the authorization bill not only duplicates the requirements that are already laid on the President of the United States, who can do it in a much larger context, but also narrows it to intelligence sources and methods.

I fear particularly in the Panama situation—and I want to say I would love to read the report when it comes from the President as much as my colleague from North Carolina, because I share his concerns for what is going on in that country. But if it is to be as he proposes, an intelligence report, reported to the Intelligence Committees, I think, Mr. President, we run too great a risk of compromising intelligence sources and methods particularly in a country like Panama. So for that reason I will oppose the Senator's amendment.

Mr. LEAHY. Mr. President, on its merits, I have no objection to the amendment or issues raised by the distinguished Senator from North Carolina. He raises questions which are realistic questions, valid ones for those of us who must make decisions on matters involving not only that part of the world but others.

Many of the questions he raises are questions which occur to the Senator from Vermont also. My concern about the amendment is only that a report by the Director of Central Intelligence on such a sensitive topic should not be the subject of debate in open session on the Senate floor. Legitimate questions, yes, but I would prefer request-

ing answers to such questions through the aegis of the select committee, not through the aegis of an amendment.

I mentioned this earlier this afternoon. I hope Senators will understand the reasoning for the longstanding practice of not going into debate or amending of the intelligence bill on the floor of the Senate. It is not that we somehow see ourselves as a sacred group which handles this in closed session, unwilling to be subject to any questions. Not by any means. The committee is prepared to entertain behind closed doors, in a secured hearing room the questions of any Member of this body relating to intelligence activities. In fact, we are ready to serve the Senate.

The Senator from North Carolina has been very careful here this afternoon in couching his questions in a very precise way, and I appreciate that.

Even as I speak, I am attempting to distinguish between matters that have been discussed openly, and those matters discussed in a classified fashion. As a result, if the Senator from North Carolina and my fellow colleagues feel that I am speaking in broad generalities, indeed I am. The reason for that, the reason for such broad generalities for myself or the Senator from Minnesota is the practice of avoiding discussion of intelligence matters on the floor of the United States Senate or anywhere else.

So I must say that I concur fully with the remarks of the Senator from Minnesota. I think the report required by the amendment of the Senator from North Carolina would be duplicative of other executive branch reports. I think if there is other sensitive intelligence input available, we could make it available through the select committee.

I am very concerned about Panama, as are all Members of the Senate. I do not doubt the concern felt by the Senator from North Carolina. But I hope the distinguished Senator from North Carolina will realize that when as a member of this committee I join with the distinguished chairman in opposing his amendment, I am not suggesting that he is not asking valid questions. Rather, I see my role as vice chairman of this committee as one which requires that I oppose such amendments on their form, rather than their substance. As a result, while I would also be most interested in reading the answers to the particular questions, I must in my role as vice chairman oppose the amendment.

□ 1550

Mr. HELMS. Mr. President, I must preface what I am about to say with a reiteration of what I said earlier about my respect and admiration and friendship for the distinguished chairman and vice chairman.

I don't want any misunderstanding on that point, but let me say that I believe they have offered convoluted

logic as to why they feel obliged to oppose my amendment; and in doing so, they have validated the very reason for the amendment.

The truth of the matter is that this amendment does not call for open debate on this floor about whatever information is discovered about Panama or Mr. Noriega or anybody else. But what we are getting now from the intelligence community is zilch—nothing. Either they don't know, or they don't want the Congress to know.

Furthermore, Mr. President, this emphasizes—at least in my mind, and I say this most respectfully—the kind of selective judgment we have in this Chamber about whom we are going to oppose and about whom we are going to make critical comments.

The point is that Dr. Spadafora's head was either cut off or it was not. It was. That much is documented, but the rest we need to know. I cannot tell you how many fine, responsible leaders of Panama in the private sector have come to me and said, "Please, Senator, look into what is going on in our country." What is shocking is that these good, patriotic Panamanians who are asking these questions have been attacked in the Government press down there as disloyal citizens for raising fundamental issues.

The testimony has been given that two members of the defense forces, in uniform, went aboard that bus and took that man, Dr. Spadafora, off, and that was the last time he was seen alive. The next day, his body was found in Costa Rica, his head ripped off.

Are not the Members of the U.S. Senate entitled to know what our intelligence capability finds out about that?

How about the drug trafficking? Are we going to be namby-pamby about drug trafficking, when Panama is up to its armpits in it?

Money laundering: There are so many banks in Panama that they cannot find space for them all—and we know that a good many are handling drug money.

I do not mean that we have an open session on Panama here, before the Lord and everybody else, and go into detail about what we have found, when we find it, and when it is delivered to us by our intelligence capability. But I do say that Members of the U.S. Senate and the House of Representatives are entitled to know what is going on down there, from the views of our intelligence people.

It is all very well and good for somebody else to get the information, but we do not get it. How do we make an intelligent, enlightened decision about Panama—or, for that matter, any other country?

I am simply saying, in this amendment, let us have the facts. I have no notion whatsoever—as the distinguished Senator from Minnesota put

S 13578

## CONGRESSIONAL RECORD — SENATE

September 24, 1978

it—of putting at risk any of our intelligence people. We do not have to do that.

I hope that this amendment which is supported and cosponsored by a number of Senators on both sides of the aisle, of both political and philosophical persuasions, will be adopted. I hope that this rollcall vote will produce an overwhelming call by the U.S. Senate for the truth about Panama whatever it is.

Mr. President, it may be true, as has been stated here, that our intelligence services are in constant surveillance of the situation in Panama. Who knows? But what we need, particularly, is for the CIA to sit down and prepare a specific report for the needs of the Senate. It is one thing to monitor a situation continuously, but it is another thing to sit down and evaluate the available information in response to a particular need and a particular request. If it is necessary that it be classified—fine. But make it available.

What we want is a special focus on Panama, and I do not think we can expect that without a particular request. We need to give our colleagues an opportunity to go on public record, to demonstrate the intense interest in the Panama problem which has been manifested to me privately by so many people, including Senators—especially Senators.

Let me reiterate one more time, and then I will conclude: I simply want the intelligence community to realize how important this information is to the U.S. Senate.

I yield the floor.

Mr. DURENBERGER. Mr. President, I do not intend to be namby-pamby on drug trafficking or money laundering, either; nor do any other members of the committee. But we are struck here this afternoon, I think, with a sort of classic situation in which each of us, dealing with problems as they occur around the world, would like to have more or as much information as we presume is available to somebody, usually the President or the head of the National Security Council or someone else. In one way or another, we have come to the conclusion in such situations that he—that is, the President—either does not have all the information or, having all that information, he is not acting the way we might act under a given set of circumstances.

I say that to my colleague because I have been through that as a Senator and as a member of this committee.

Were we, in effect, to license through the authorization bill, 535 of us, in one way or another, an attempt to satisfy, in a statutory vehicle, using the intelligence community and the limited resources of 15 Senators and 15 House Members to try to get all the detail that I think we would all like to have on a variety of subjects, we would be charting an impossible course.

Obviously, there is some precedent for the kind of request the Senator is

making. There is no precedent I know of on an authorization bill. In the past, this committee has been asked by individual Senators to look at a specific country.

For example, we were asked to look at the possible connection between United States diplomatic and intelligence officials in El Salvador and human rights violations in that country. We responded to that request by a Senator with an investigation and both a classified and an unclassified report.

So it is not as though the committee is not willing, under a certain set of circumstances and on request from a Senator, to undertake an effort that is somewhat similar to the kind that the Senator is suggesting here. My objection is to the specific nature of the request on this authorizing legislation.

Frankly, I fear that the precedent that the adoption of this amendment would create would be nearly disastrous in the oversight process, and it is for that reason and no other that I object.

I yield to the Senator from Maine.

□ 1600

Mr. COHEN. Mr. President, I am going to follow up on what my colleague was saying. It would seem to me that if any Senator, especially the Senator from North Carolina, were to make a request to the chairman of the Intelligence Committee that this is a matter of importance to him, which any other Senator may have a similar request, we felt on the committee indeed Panama certainly has been a focus of a great deal of congressional attention in the past and expect it will be in the future.

As Senator DURENBERGER indicated, we are all concerned about the trafficking in drugs in Panama, Colombia, or any other region of the globe that might have an impact on us and our security.

It would seem to me the Intelligence Committee would in fact respond favorably by conducting or requesting reports to be filed by the intelligence community and then presented to that individual Member who made the request.

I think as one who still has 4 years to go on the Intelligence Committee that I would not want to see such an amendment pass, not because I am opposed to the merits—I support what the Senator is asking for—but as a matter of policy encouraging this sort of amendatory process in the authorization bill thereby setting a precedent for every other Member who might be concerned on El Salvador, on what is going on in Nicaragua, or Pakistan, Afghanistan, et cetera.

I think what we would like to do if possible is to avoid setting a precedent and yet accommodate the Senator from North Carolina by agreeing to look into the very areas that he had requested that we mandate into law.

So if the request were made I am sure it would be met with some favorable consideration.

Mr. HELMS. Mr. President, of course, I know that my friend from Maine and my friend from Minnesota and others on the Intelligence Committee will respond the best they can.

But I say again that I have found my work as chairman of the Western Hemisphere Subcommittee that the focus on this matter is substantially less than enlightened.

Now, I must be careful at this point that I do not violate classification because I sat in on a classified hearing on Panama and I was not impressed with the quality of the information presented. I will say to my friend that among the classified documents was a letter I had written to the CIA.

This is a matter of focus. I do not know why it would be risky or harmful to focus in on this issue at the particular request of the Senate, and I think we should.

Certainly I am not questioning the good faith of the Senator from Maine. I know him and I know how he operates, and I respect him.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. COHEN. It is not a matter of not agreeing with the substance of what the Senator would like to see.

Mr. HELMS. I understand.

Mr. COHEN. It is not a question of whether we think it should be classified or unclassified. To the extent it could be unclassified certainly we would like to have a complete discussion before the body. The real question is do we want to start setting a precedent for individual requests being written into law for those areas being deemed critical by individual Senators?

We think that is a bad policy where we could in fact accommodate it on an agreement basis if any Senator would make a request saying this is a serious subject matter, and indeed it is, would you as chairman of the Intelligence Committee ask for a hearing, insist upon members of the intelligence community communitywise to come in with a full and complete report that would then be available for review and discussion by that Senator requesting it or the Senate floor if it were not dealing with classified matter. That would seem to me to be a better policy to be following.

Mr. HELMS. I thank the Senator.

● Mr. KENNEDY. Mr. President, I support this amendment because I am concerned about the serious allegations of human rights abuses by General Noriega in Panama. These allegations are not frivolous. It is not only the charge that the Presidential elections were rigged. It is not only the accusation that General Noriega was personally responsible for the murder and mutilation of Hugo Spadoforo. It

September 24, 1986

## CONGRESSIONAL RECORD — SENATE

S 13579

and not only the allegations of drug smuggling and gunrunning.

It is also the fact that critics of General Noriega are routinely rounded up and put in jail, that opposition leaders in Panama are harassed, threatened and intimidated, and that editors, labor leaders, academic figures, and business people are forced to live in a constant atmosphere of corruption and intimidation.

The United States Government knows more than it is willing to tell us about what is happening in Panama. Congress—and the American people—have a right to know the truth about these allegations. In supporting this amendment, we are in no sense attempting to refight the battle over the Panama Canal Treaty in the 1970's. Concern about human rights violations in Panama in the 1980's is broad-based in Congress and the Nation, and it is time we learned more about the current situation. I urge the Senate to adopt this amendment. ●

Mr. HELMS. I am ready to vote, Mr. President.

The PRESIDING OFFICER (Mr. EVANS). Is there further debate?

The question is on agreeing to the amendment of the Senator from North Carolina.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

(Rollcall No. 289 Leg.)

## YEAS—53

Anders	Hatch	Packwood
Andrews	Hatfield	Pell
Armstrong	Hawkins (Mrs.)	Pressler
Bankson	Hecht	Pryor
Bayh	Heflin	Quayle
Burdick	Helm	Roth
Cochran	Holms	Rudman
Cranston	Kassebaum	Sasser
D'Amato	(Mrs.)	Simpson
Danforth	Kasten	Specter
DeConcini	Kennedy	Stevens
Denton	Kerry	Symms
Dixon	Laxalt	Thurmond
Dole	Martinez	Tribble
Ford	McClure	Waillop
Gorton	McConnell	Warner
Gramm	Murkowski	Wilson
Grassley	Nickles	Zorinsky

## NAYS—46

Baucus	Exon	Matsunaga
Bentsen	Glenn	Melcher
Biden	Goldwater	Metzenbaum
Boren	Gore	Mitchell
Boschwitz	Harkin	Moynihan
Bradley	Hart	Nunn
Bumpers	Hollings	Proxmire
Byrd	Humphrey	Riegle
Chafee	Inouye	Rockefeller
Chiles	Johnston	Sarbanes
Cohen	Lautenberg	Shannon
Dodd	Leahy	Stafford
Domenici	Levin	Stennis
Durenberger	Long	Weicker
Eagleton	Lugar	
Evans	Mathias	

NOT VOTING—1  
Garn

So the amendment (No. 2897) was agreed to.

□ 1620

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table is agreed to.

COMMEMORATING THE AWARD OF THE CENTRAL INTELLIGENCE AGENCY SEAL MEDALLION TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. GOLDWATER. Mr. President, a couple of weeks ago one of our distinguished colleagues, Senator DANIEL PATRICK MOYNIHAN, was honored by the Central Intelligence Agency for his many contributions to the CIA and the intelligence process while serving as a member of the Senate Intelligence Committee. As a member and then chairman of that committee, I can testify that PAT MOYNIHAN richly deserves this honor. Not only did he bring his wit and eloquence, with which we are all familiar, to the committee hearings, but his strong instinct for the subject matter along with his keen intellect brought an added dimension to our debates. Throughout his service on the committee, SENATOR MOYNIHAN adhered to a personal code that put the best interests of the United States above all else. Time and again, he kept us focused on the main issue rather than allowing us to get bogged down in fruitless side trips.

One of the best things about this service on the committee was the intermediary role which he took upon himself. Realizing that it was awfully easy for some of his colleagues to criticize the secret operations of our intelligence agencies, SENATOR MOYNIHAN became a behind-the-scenes tutor to some of his fellow Senators. During my term as chairman, PAT served as vice chairman and I can say honestly that he proved to be an invaluable assistant in managing the committee in our oversight duties. More than that, he became a friend, and I guess there just isn't any higher compliment.

Mr. President, I ask unanimous consent that my remarks as well as the citation accompanying the award be printed at this point in my remarks.

There being no objection, it was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY CITATION  
DANIEL P. MOYNIHAN IS HEREBY AWARDED THE AGENCY SEAL MEDALLION

In recognition of his outstanding accomplishments as a Member of the Senate Select Committee on Intelligence from February 1977 to January 1986. He was a leader in establishing the oversight of intelligence which was and is today in the finest spirit of bipartisan government. Consistently adhering to the highest standards of personal and

professional integrity in furtherance of the national security interests of the United States, Senator Moynihan clearly demonstrated that effective oversight of intelligence can be realized in a democratic nation without risk to the intelligence process. Serving with full knowledge that his achievements would never receive public recognition, he chose to align himself with the thousands of men and women who have devoted their lives to support the intelligence needs of our country. Senator Moynihan's extraordinary contributions and exemplary dedication while serving on the Senate Select Committee on Intelligence reflect great credit on himself and the Congress of the United States.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I am not aware of any further amendments to be offered. I am prepared to ask for a third reading. I will ask for a third reading.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4759, the companion bill in the House.

□ 1630

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4759) to authorize appropriations for fiscal year 1987 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. DURENBERGER. Mr. President, I move to strike all text after the enacting clause of H.R. 4759 and that the text of S. 2477, as amended by the Senate, be substituted therefor.

The motion was agreed to.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on the engrossment of the amendment for a third reading and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4759) was passed.

Mr. DURENBERGER. I move to reconsider the vote by which the bill passed.

S 13580

## CONGRESSIONAL RECORD — SENATE

September 24, 1965

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, I move that consideration of S. 2477 be indefinitely postponed.

The motion was agreed to.

Mr. DURENBERGER. Mr. President, I move that the Senate insist upon its amendment to H.R. 4759, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. DURENBERGER, Mr. ROTH, Mr. COHEN, Mr. HATCH, Mr. MURKOWSKI, Mr. SPECTER, Mr. HECHT, Mr. MCCONNELL, Mr. LEAHY, Mr. BENTSEN, Mr. NUNN, Mr. EAGLETON, Mr. HOLLINGS, Mr. BOREN, and Mr. BRADLEY; and from the Committee on Armed Services: Mr. WARNER and Mr. HART for matters within the jurisdiction of the Armed Services Committee, conferees on the part of the Senate.

Mr. DURENBERGER. Mr. President, I wish to use this occasion to express my personal appreciation and that of the committee to members of the intelligence community in this country—to the Director of Central Intelligence, Mr. Casey, with whom we have had our periodic differences, as many have over the course of time, but there has never been a question of our mutual, bipartisan agreement on the need for strong, effective intelligence in this country. The leadership of the intelligence community in this country, in DIA, NSA, State, INR, FBI, and a variety of other areas, has probably never been stronger than it is today. That is a compliment to the individuals involved, a compliment to Mr. Casey, a compliment to the President of the United States, and it is a compliment to the mutual efforts toward congressional and executive branch commitment to good intelligence in this country.

I express my appreciation to what we commonly call the rank and file, the tens of thousands of intelligence officers, men and women throughout this country and throughout the world, many of whom have participated in deliberations of the Senate select committee on its authorizing bill during the course of this year.

I express my particular appreciation to the staff of the committee, to the leadership of the staff, Bernie MacMahon and Eric Newsom, to all who made a particular contribution this year in the area of adapting our budget requirements to the new international intelligence strategy in a way which was so persuasive that the golden objectives of the community and the committee were almost totally satisfied throughout this process.

Mr. President, I had almost completed my compliments and mentioned individuals and I turned to my right and

discovered one of the most valuable members of the staff, who happens to be on my immediate right. Dan Finn has been on the committee staff several years, having earlier been on the minority staff and having been promoted, if you can call it that, to the minority counsel; then when the committee counsel job was vacated recently, he was willing to take on that job.

I think that this indicates the special spirit that exists in what we would rather call the nonpartisan, sometimes, than the bipartisan spirit of this committee, particularly the spirit of professionalism on the staff, which does not really recognize the political differences Dan Finn, as much as anybody else, reflects that.

Mr. LEAHY. Mr. President, I also add my compliments to Dan Finn for the years he served as minority counsel and for the years he served before that in various capacities in the Intelligence Committee.

Mr. DURENBERGER. I conclude with compliments to my colleague from Vermont (Mr. LEAHY) and to our colleagues on the House side. We have had some spectacular, if you will, success in our relationship with our counterparts in the House select committee, particularly its leadership and the chair LEE HAMILTON, from Indiana, which has made the staff work and the work of the intelligence community, participating in the oversight process as well as the authorizing work that we have completed today, much more successful than in the past.

This is clearly a reflection of the fact that there is growth in this new process of oversight, that there is a maturity we are finally realizing, but that it is the individuals who are involved to whom we all in this country owe a debt of gratitude for their commitment to the role that intelligence plays in the national security.

Mr. LEAHY. Mr. President, I join with my good friend from Minnesota in complimenting not only the intelligence community and those who work on intelligence matters in the Senate, but the Senators who are members of the committee. They have put in an inordinate amount of time, invariably behind closed doors, usually having to take time from their other and always pressing duties.

The staff, led by Bernie MacMahon and Eric Newsome, have served all Senators on both sides of the aisle very well.

I could mention others here—Keith Hall and others on the staff of the committee. Of all the committees I have served on, I cannot think of any staff that works with such a high degree of professionalism as tirelessly or so anonymously as the Senate Intelligence Committee staff. I wish we could bring them all out and explain the responsibilities of each one. But even that would violate security, for much of their work is classified and held in compartmented fashion.

I have always had, in my 12 years in the Senate, first as a member of the Armed Services Committee and then as a member of the Appropriations Committee, an opportunity to watch the development of our intelligence community. I have seen this strong leadership provided in the Senate to strengthening our intelligence—Senator GOLDWATER, Senator INOUYE, Senator BAYH, and Senator DURENBERGER have all provided leadership. I would like to think that in some ways, I too, have helped. In all of this, there has only been really one overriding concern, not only of the select committee but also of those individuals we have worked with as directors of the CIA, directors of the FBI, and others from both Republican and Democratic administrations: To have the best intelligence agencies in the world, the best ability to gather intelligence in the world. I firmly believe that the United States today has the best intelligence services in the world.

I also firmly believe that this administration, as previous administrations, is committed to making it the best, and to continue in proving our intelligence capabilities. I am also convinced that those who lead the community strive for constant improvement. In that regard, they have received strong bipartisan support from the House and from the Senate and strong leadership, Chairman LEE HAMILTON and the members of the House Permanent Select Committee on Intelligence.

Mr. President, I hope that the intelligence services of this country realize that the Senate's unanimous vote of support for the intelligence authorization bill, after only 2 or 3 hours of debate, is a reflection of the commitment of the Senate to our intelligence services and those who lead them.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, at the appropriate time, when the distinguished minority leader is present and we have the managers here, we will move to the consideration of Calendar No. 636, the commodities futures trading bill. I understand that can probably be completed in not more than 2 hours. Hopefully following that, we could take up FIFRA, though I am not certain we can get that cleared. There is fairly heavy wrapup; in other words, a lot of things we can do after we do the CFTC bill. It is our hope that tomorrow